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REVISED LAWS

OF

The Commonwealth of Massachusetts

RELATING TO

PUBLIC INSTRUCTION.

ENACTED BY THE LEGISLATURE NOV. 21, 1901, TO TAKE EFFECT
JAN. 1, 1902, WITH SUBSEQUENT AMENDMENTS AND ADDITIONS
FROM 1902 TO 1911 INCLUSIVE.

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Massachusetts. Laws, statutes, etc.
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APPROVED BY
THE STATE BOARD OF PUBLICATION.

LAWS RELATING TO PUBLIC INSTRUCTION AND REGULATIONS RESPECTING CHILDREN.

THE BOARD OF EDUCATION.

AN ACT TO CONSOLIDATE THE BOARD OF EDUCATION AND
THE COMMISSION ON INDUSTRIAL EDUCATION.

[Acts of 1909, Chapter 457.]

MEMBERS.

Section 1. The board of education shall consist of nine persons, three of whom shall annually in April be appointed by the governor, with the advice and consent of the council, for terms of three years, except as hereinafter provided. The members of the board shall serve without compensation. During the month of June in the current year the governor shall so appoint all of said nine members of the board, whose terms of office shall begin on the first day of July, nineteen hundred and nine, three for terms ending May first, nineteen hundred and eleven, three for terms ending May first, nineteen hundred and twelve, and three for terms ending May first, nineteen hundred and thirteen. Four of the present members of the board of education, and one of the members of the commission on industrial education shall be appointed members of the board of education provided for by this act.

Board of education,
appointment,
term of office,
etc.

POWERS AND DUTIES.

Section 2. The board of education shall exercise all the powers and be subject to all the duties now conferred or imposed by law upon the present board of education, or upon the commission on industrial education by chapter five hundred and five of the acts of the year nineteen hundred and six and by chapter five hundred and seventy-two

Powers and
duties.

of the acts of the year nineteen hundred and eight, and acts in amendment thereof and in addition thereto, except as may otherwise be provided herein.

(Chapter 471, Acts of 1911, takes the place of the chapters mentioned in the above section. See page 67 of this pamphlet.)

COMMISSIONERS, DEPUTY COMMISSIONERS, AGENTS, CLERKS,
TRAVELLING EXPENSES, ETC.

Commissioner
of education,
appointment,
etc.

Section 3. (As amended by chapter 282, Acts of 1910, and chapter 466, Acts of 1911.) The board shall appoint a commissioner of education whose term of office shall be five years, and may fix his salary at such sum as the governor and council shall approve. Said commissioner may at any time be removed from office by a vote of six members of the board. He shall exercise the powers and perform the duties now conferred or imposed by law on the secretary of the board of education. He shall be the executive officer of the board, shall have supervision of all educational work supported in whole or in part by the commonwealth, and shall report thereon to the board. The board shall also appoint two deputy commissioners, at equal salaries, one of whom shall be especially qualified to deal with industrial education. The powers, duties, salaries and terms of office of said deputy commissioners shall be such as may be established from time to time by the board, but the board may, by a vote of six members thereof, remove from office at any time either of said deputy commissioners. The board may be allowed for rent, salaries of the commissioner, the deputies, agents, assistance and clerical service, and for travelling and other necessary expenses of the commissioner, the deputies, agents, and of the board, incurred in the performance of their official duties, such sum as shall be appropriated by the general court annually, payable out of the treasury of the commonwealth.

Deputy com-
missioners, etc.

CENSUS, REGISTERS, RETURNS; ANNUAL REPORT; AND
RECORDS.

R. L. 39, § 6,
amended.
Board to pre-
scribe form of
census, etc.

Section 4. Section six of chapter thirty-nine of the Revised Laws is hereby amended by inserting after the word "returns", in the sixth line, the words: — like returns of

the schools in charge of the board, — by inserting after the word “board”, in the seventh line, the words: — together with a detailed report of all receipts and expenditures, — and by adding at the end of the section the words: — The records of the doings of the board shall be open to public inspection, — so as to read as follows:— *Section 6.* The board shall prescribe the form of census required by the provisions of section three of chapter forty-three, of registers to be kept in the public schools and of returns to be made by school committees; shall annually, on or before the third Wednesday of January, make to the general court a report containing a printed abstract of said returns, like returns of the schools in charge of the board, and a detailed report of all the doings of the board, together with a detailed report of all receipts and expenditures, with observations upon the condition and efficiency of the system of public education and suggestions in regard to the most practicable means of improving and extending it. The records of the doings of the board shall be open to public inspection.

1837, 241, §§ 2, 3.
1838, 105, §§ 5-7.
1846, 223, § 3.
1849, 209, G. S. 34, § 3.
P. S. 41, § 3.
1898, 496, § 13.
Board of education to prescribe certain forms, etc.

Section 5. The terms of office of the present members of the board of education and of the commission on industrial education shall expire July first, nineteen hundred and nine, and said commission shall then cease to exist.

Terms of office of present members to expire.

Section 6. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

Section 7. This act, so far as it provides for the appointment of the members of the board of education during the month of June, nineteen hundred and nine, shall take effect upon its passage and it shall take full effect on the first day of July, nineteen hundred and nine.

[Revised Laws, Chapter 39.]

SECTION 1. (*See section 1, chapter 457, Acts of 1909, page 3 of this pamphlet.*)

[SECRETARY,¹] AGENTS AND CLERKS.

SECTION 2. (*As amended by chapter 234, Acts of 1904.*) The board may appoint a [secretary¹], who, under its direction, shall make the abstract of school returns re-

When to take effect.
Board of education, secretary of.

¹ Commissioner of education. See section 3 (as amended), chapter 457, Acts of 1909, page 4 of this pamphlet.

1837, 241, § 2
 1847, 183, § 1.
 1849, 215, § 1.
 G. S. 34, § 4.
 P. S. 41, § 4.
 103 Mass. 98.
 Board of education, salary and expenses of secretary, etc.
 1837, 241, § 2.
 1838, 159, § 2.
 1849, 215, § 2.
 §§ 2, 3.
 1853, 49.
 G. S. 34, § 8.
 1862, 212.
 1864, 99.
 1865, 246.
 Agents of board.
 Res. 1857, 22.
 G. S. 34, § 9.
 1862, 212.
 P. S. 41, § 9.
 1896, 429.

quired by the provisions of section seven, shall collect and distribute information respecting the condition and efficiency of the public schools and other means of popular education, and the best system of studies and the best method of instruction. The board may also employ such assistants or agents, and may provide such clerical and messenger service as may be necessary: *provided*, that the total expense for salaries incurred under this section shall not exceed twenty thousand dollars annually, and that the allowance for travelling expenses of employees under the direction of the board shall not exceed three thousand dollars annually. Such agents shall not be pecuniarily interested, directly or indirectly, in the publication or sale of any text book, school book or article of school supply used in the public schools of this commonwealth.

Sections 3 and 4 are repealed by chapter 234, Acts of 1904.

INCIDENTAL EXPENSES.

Section 2 of chapter 234, Acts of 1904, provides as follows:—

Expenses of board, how paid.
 1838, 55.
 G. S. 34, § 10.
 P. S. 41, § 10.
 1895, 132.

The incidental expenses of the board and the travelling and other necessary expenses of the members thereof, incurred in the performance of their official duties, shall be paid by the commonwealth. 1901, 262.

GRANTS FOR EDUCATIONAL PURPOSES.

Trustee of funds for educational purposes.
 1850, 88.
 G. S. 34, § 2.
 P. S. 41, § 2.

SECTION 5. The board may take and hold, in trust for the commonwealth, a grant or devise of land, or a gift or bequest of money or other personal property made to it for educational purposes; and shall forthwith pay it over or deliver it to the treasurer and receiver general, who shall invest such money in the name of the commonwealth and, on the warrant of the governor, pay to the board the income or principal thereof, as it shall require; but no disposition shall be made of any gift, bequest or devise which is inconsistent with its conditions or terms. The treasurer and receiver general shall be responsible upon his bond to the commonwealth for the faithful management of all property so received by him.

SECTION 6. (See section 6, as amended by section 4, chapter 457, Acts of 1909, pages 4, 5 of this pamphlet.)

DUTIES OF THE [SECRETARY¹].

SECTION 7. The [secretary¹] shall suggest improvements in the present system of public schools to the board and to the general court; shall visit, as often as his other duties will permit, different parts of the commonwealth for the purpose of arousing and guiding public sentiment in relation to the practical interests of education; shall collect in his office such school books, apparatus, maps and charts as can be obtained without expense to the commonwealth; shall receive and arrange in his office the reports and returns of the school committees; and shall receive, preserve or distribute the state documents relative to the public school system. He may also publish for general distribution such parts of the annual report of the board and such other matters as he may consider best adapted to promote the interests of public school education, if the expense thereof is paid out of the appropriation for the incidental and contingent expenses of the board and does not in any one year exceed five hundred dollars.

Duties of
secretary.
1849, 215, § 1.
1858, 61.
G. S. 34, § 5.
P. S. 41, § 5.
1901, 112.

SECTION 8. He shall, under the direction of the board, give sufficient notice of and attend such meetings of teachers of public schools, of members of the school committees of the several towns and of friends of education generally in any county as may assemble at the time and place designated by the board; and shall at such meetings devote himself to collecting information relative to the condition of the public schools of such county, the fulfilment of their duties by the school committees of all the cities and towns, and the condition of the towns in regard to teachers, pupils, books, apparatus and methods of education, with a view to enabling him to furnish all information desired for the annual report.

Same subject.
1838, 159, § 1.
1842, 42.
G. S. 34, § 6.
P. S. 41, § 6.

Section 9 is repealed by chapter 234, Acts of 1904.

NORMAL SCHOOLS.

SECTION 10. The board shall have the general management of the state normal schools and the boarding houses connected therewith, and money appropriated for their maintenance may be expended under its direction. The accounts of the boarding houses shall be kept under the direction of the auditor of accounts.

Normal
schools, man-
agement of.
1870, 106.
P. S. 41, § 12.
1891, 334.

¹ Commissioner of education. See footnote, page 5.

PUPILS FROM OTHER STATES AND FOREIGN COUNTRIES.

In addition to the preceding provisions chapter 65, Resolves of 1902, provides as follows:—

That the state board of education is hereby authorized to receive in the state normal schools pupils from other states and from foreign countries upon the payment of tuition fees; and also to receive in said schools upon the payment of tuition fees such a number of properly qualified teachers or persons intending to be teachers, from Porto Rico, Cuba, Guam, the Sandwich Islands and the Philippine Islands, as they may deem expedient, and to distribute them in such a manner among the several schools aforesaid as will avoid an excessive demand upon, or serious inconvenience to, the existing facilities and equipment of the schools.

MODEL AND PRACTICE SCHOOLS.

Practice
schools.
1894, 457,
§§ 6, 7.
1896, 133.

SECTION 11. The cities of North Adams, Fitchburg and Lowell and the town of Barnstable shall each agree in writing with the board to provide suitable and sufficient school buildings and model and practice schools in connection with the training departments of the state normal schools therein. The board may, at the request of a city or town in the vicinity of said state normal schools, agree in writing with such city or town for the maintenance of practice schools therein in connection with such normal schools, and may provide for the payment of a portion of the compensation of the supervising teachers employed in such practice schools. The treasurer and receiver general shall receive all money payable under said agreements and shall extend it under the direction of the board for the purposes specified in this section without an appropriation therefor.

Sections 12, 13, 14, 15 and 16 are repealed by chapter 234, Acts of 1904.

AGRICULTURAL EDUCATION IN THE STATE NORMAL SCHOOL
AT NORTH ADAMS.

Chapter 257, Acts of 1908, provides as follows:—

Section 1. The state board of education is hereby authorized to make provision for agricultural education in the

normal school at North Adams: *provided*, that the city of North Adams shall contribute the free use for ten years of land suitable for the purpose.

Section 2. A sum not exceeding twenty-five hundred dollars shall be allowed and paid from the treasury of the commonwealth for the establishment of the said department and its maintenance during the current year.¹

RETURNS OF PRIVATE AND OTHER EDUCATIONAL INSTITUTIONS.

SECTION 17. The trustees, officers or persons in charge of literary, scientific or professional institutions of learning, incorporated, supported or aided by the commonwealth, and of all reform schools, almshouses or private educational institutions shall annually, on or before the first day of June, make a report in writing to the board, of such statistics as it shall prescribe, relative to the number of pupils and instructors, courses of study, cost of tuition, and the general condition of the institution or school under their charge.

Statistics as to pupils, instruction, etc.
1867, 123, § 1.
P. S. 41, § 13.

SECTION 18. The board shall prepare blank forms of inquiry for such statistics, and shall annually, on or before the tenth day of May, send the same to every such institution or school. Said forms shall be prepared with reference to the requirements of the bureau of education established by the government of the United States.

— blanks for, to be prepared
1867, 123, § 2.
P. S. 41, § 14.
U. S. Rev. Sts., § 516.

EDUCATION OF THE DEAF AND BLIND.

SECTION 19. The governor may, upon the request of the parents or guardians and with the approval of the board, send such deaf persons as he considers proper subjects for education, for a term not exceeding ten years, but, upon like request and with like approval, he may continue for a longer term the instruction of meritorious pupils recommended by the principal or other chief officer of the school of which they are members, to the American School, at Hartford, for the Deaf, in the state of Connecticut, to the Clarke School for the Deaf at Northampton, to the Horace Mann School at Boston, or to any other school for the deaf in the commonwealth, as the parents or

Instruction of the deaf.
1867, 311, § 4.
1868, 200.
1869, 333.
1871, 300.
P. S. 41, § 16.
1886, 241.
1887, 179.
1888, 239.
1889, 226.

¹ Expenses now provided for in the annual State appropriation.

guardians may prefer; and with the approval of the board he may, at the expense of the commonwealth, make such provision for the care and education of children who are both deaf and blind as he may deem expedient. No distinction shall be made on account of the wealth or poverty of such children or their parents. No such pupil shall be withdrawn from such institutions or schools except with the consent of the authorities thereof or of the governor; and the expenses of the instruction and support of such pupils in such institutions or schools, including their necessary travelling expenses, whether daily or otherwise, shall be paid by the commonwealth; but the parents or guardians of such children may pay the whole or any part of such expense.

Instruction of
the deaf,
supervision
and report of.
1867, 311, § 3.
P. S. 41, § 17.

SECTION 20. The board shall direct and supervise the education of all such pupils, and shall state in its annual report the number of pupils so instructed, the cost of their instruction and support, the manner in which the money appropriated by the commonwealth therefor has been expended and such other information as it considers important.

Admission,
etc., to school
for the blind
under super-
vision of
board.
1885, 118.

SECTION 21. The board shall have the same supervision over the admission to, and instruction of pupils in, the Perkins Institution and Massachusetts School for the Blind as it now exercises over the instruction of the deaf under the provisions of the two preceding sections.

EMPLOYMENT OF PUBLIC SCHOOL TEACHERS THROUGH THE STATE BOARD OF EDUCATION.

Chapter 399, Acts of 1906, provides as follows:—

Section 1. (*As amended by chapter 213, Acts of 1907.*) Any person desiring to teach in the public schools of this commonwealth may file with the state board of education an application in writing stating the kind and grade of the school desired and the experience and training of the applicant, and may file with such application any evidence of the applicant's character and qualifications.

Section 2. It shall be the duty of the board to receive such applications, to make lists of the same arranged for convenient reference, and on request of superintendents of schools and school committees of cities and towns to fur-

nish all reasonable information about such applicants. The board may make reasonable rules and regulations relating to the filing of applications and the giving of information as above provided.

THE OBTAINING OF POSITIONS BY SCHOOL TEACHERS.

Chapter 731, Acts of 1911, provides as follows:—

Section 1. Any graduate of any high school or normal school in this commonwealth, or of any other school considered by the board of education to be of equal grade, or the graduate of any reputable college, provided that such graduate is a person of good character and is a resident of the state, may file an application with the board of education for a position as school teacher upon payment of a fee of two dollars. The application shall set forth the name, address, and, briefly, the experience and qualifications of the applicant. It shall be the duty of the board of education to communicate with the school committees in the cities and towns of the commonwealth, and with persons who have made application for a position as school teacher in accordance with the provisions of this section, and to procure positions for them so far as may be possible, free of expense to the applicant beyond the aforesaid fee, and without expense to the various school committees. The said board shall cause to be printed and sent to school committees of cities and towns a list of the applicants for positions as aforesaid, with a brief statement of their qualifications and experience.

Section 2. No person, firm, corporation, or association shall demand or accept from any applicant for the position of a teacher in the public schools a fee or other compensation exceeding two dollars in amount, and no further sum shall be charged to cover expenses or for any other reason, except that, if the person or agency procures a position as aforesaid for an applicant, the person or agency shall be entitled to receive as further compensation a sum not exceeding five per cent of the salary of the teacher, for the first year of employment, provided that the position is open to teachers so long.

Section 3. It shall be unlawful for a superintendent of schools in any city or town, or in any district composed of two or more towns, to accept any commission.

fee, compensation or reward of any kind for obtaining a position as teacher in the public schools for any person.

Section 4. Any violation of this act shall be punished by fine of not less than fifty nor more than five hundred dollars.

Section 5. All acts and parts of acts inconsistent herewith are hereby repealed.

[Revised Laws, Chapter 40.]

TEACHERS' INSTITUTES AND ASSOCIATIONS.

Teachers' institutes, meetings of.
1846, 99, § 1.
1848, 10.
1849, 62.
G. S. 35, § 1.
P. S. 42, § 1.
1896, 186.

— expenses of.
1846, 99, § 3.
1854, 300,
§§ 3, 4.
Res. 1850, 65.
G. S. 35, § 2.
1873, 292, § 1.
1876, 47, § 4.
P. S. 42, § 2.

— length of session, and expense of.
1846, 99, § 2.
1849, 62.
1852, 216.
G. S. 35, § 3.
P. S. 42, § 3.

Payment to county teachers' associations.
1848, 301, § 1.
G. S. 35,
§§ 4, 5.
1864, 58,
§§ 1, 2.
1880, 93.
P. S. 42, § 4.

SECTION 1. If twenty-five teachers of public schools in at least three contiguous towns desire to form a teachers' institute, the board of education shall, by a committee, by its [secretary¹] or, in case of his inability, by such person as it may delegate, appoint a time and place for such meeting and make suitable arrangements therefor.

SECTION 2. An amount not exceeding three thousand dollars may annually be paid [from the half of the income of the Massachusetts school fund not apportioned for distribution to towns] to defray the necessary expenses and charges and to procure teachers and lecturers for such institutes.

(The phrase enclosed in brackets in the preceding section is rendered void by chapter 456, Acts of 1903.)

SECTION 3. The board of education may determine the length of the session of such institute, and may apply not more than three hundred and fifty dollars from the amount authorized by the provisions of the preceding section, to meet the expenses thereof.

SECTION 4. (*As amended by chapter 383, Acts of 1904, and chapter 260, Acts of 1905.*) If a county association of teachers and others holds an annual meeting of not less than one day for the express purpose of promoting the interests of public schools, it shall, upon filing with the board of education a certificate, under oath, of its president and secretary that a meeting has been so held, receive fifty dollars from the commonwealth.

Section 5 is repealed by section 2, chapter 260, Acts of 1905.

¹ Commissioner of education. See footnote, page 5.

SECTION 6. Subject to the approval of the board of education, three hundred dollars shall annually be allowed and paid [from the half of the income of the Massachusetts school fund not apportioned for distribution to towns] to the president or treasurer of the Massachusetts Teachers' Association, to be applied to the purposes of said association.

Payment to
Massachusetts
Teachers'
Association.
Res. 1880, 30.
P. S. 42, § 5.

(The phrase enclosed in brackets in the preceding section is rendered void by chapter 456, Acts of 1903.)

[Revised Laws, Chapter 41.]

SCHOOL FUNDS.

MASSACHUSETTS SCHOOL FUND.

SECTION 1. The present school fund of the commonwealth, such additions as may be made thereto and any money received by the commonwealth from the government of the United States, the disposition of which is not otherwise provided for, shall constitute a permanent fund, to be called the "Massachusetts School Fund." The principal thereof shall not be diminished, and the income shall be appropriated as hereinafter provided.

School fund.
Income only to
be used.
1834, 169, § 1.
R. S. 11, § 13.
1854, 333.
G. S. 36, § 1.
P. S. 43, § 1.
1890, 335, § 1.

SECTION 2. The sum of one hundred thousand dollars shall annually be paid from the treasury of the commonwealth into said fund, until the principal thereof amounts to five millions of dollars.¹

— provision
for.
Res. 1894, 90.

COMMISSIONERS OF THE FUND.

SECTION 3. The [secretary²] of the board of education and the treasurer and receiver general shall be commissioners, who shall invest and manage the fund, and report annually to the general court the condition and income thereof. The premiums on any securities purchased for said fund, to an amount not exceeding in any one year fifty thousand dollars, may be paid from any money in the treasury of the commonwealth, not otherwise appropriated. All investments shall be made with the approval of the governor and council.

— commission-
ers to manage
and report
thereon.
1834, 169, § 2.
R. S. 11, § 14.
G. S. 36, § 1.
1866, 53.
P. S. 43, § 2.
1890, 335, § 2.

¹ Dec. 31, 1907, the Massachusetts School Fund amounted to \$5,000,000.

² Commissioner of education. See footnote, page 5.

DISTRIBUTION OF THE INCOME OF THE FUND.

Sections 4 and 5 are repealed, and chapter 456 of the Acts of 1903 provides in place thereof as follows:—

Section 1. The annual income of the Massachusetts School Fund shall, without specific appropriation, be apportioned and distributed for the support of the public schools in the following manner:—Every town which complies with all laws relative to the distribution of said income and whose valuation of real and personal property, as shown by the last preceding assessors' valuation thereof, does not exceed one half million dollars, shall annually receive five hundred dollars; but if its rate of taxation for any year shall be eighteen dollars or more on a thousand dollars it shall receive seventy-five dollars additional; every such town whose valuation is more than one half million dollars and does not exceed one million dollars shall receive three hundred dollars; and every such town whose valuation is more than one million dollars and does not exceed two million dollars shall receive one hundred and fifty dollars; and every town whose valuation is more than two million dollars and does not exceed two and one half million dollars shall receive seventy-five dollars. The remainder of said income shall be distributed to towns whose valuation does not exceed two and one half million dollars, and whose annual tax for the support of public schools is not less than one sixth of their whole tax for the year, as follows:—Every town whose school tax is not less than one third of its whole tax shall receive a proportion of said remainder expressed by one third; every town whose school tax is not less than one fourth of its whole tax shall receive a proportion expressed by one fourth; every town whose school tax is not less than one fifth of its whole tax shall receive a proportion expressed by one fifth; and every town whose school tax is not less than one sixth of its whole tax shall receive a proportion expressed by one sixth. All money appropriated for other educational purposes, unless otherwise provided for, shall be paid from the treasury of the commonwealth.

Section 2. The income of said fund which has accrued on the thirty-first day of December in each year shall be apportioned by the commissioners of the Massachusetts

School fund,
distribution
of income of.
1835, 133, § 2.
R. S. 23, § 67.
1854, 300,
§§ 2, 3.
1858, 96, § 2.
G. S. 36, § 2.
1865, 142.
1866, 208.
1869, 168.
1870, 45.
1874, 348,
§§ 1, 2.
P. S. 43, § 3.
1884, 22.
1891, 177.
1893, 272.

— apportion-
ment of
income of.
R. S. 23, §§ 66,
67.

School Fund in the manner provided for by section one of this act, and shall be paid to the several towns on the twenty-fifth day of January thereafter.

1846, 223, § 5.
1849, 117,
§§ 2, 3.
G. S. 36, § 3.
1867, 98.

USE OF THE INCOME OF THE SCHOOL FUND.

Section 3. The sums received by any town under the provisions of this act shall be held by the town treasurer and shall be expended only for expenses in maintenance of the public schools authorized by the school committee, in accordance with existing laws; and it shall be the duty of the treasurer to keep a separate account of all sums so received and expended, and the school committee shall make an annual report to the state board of education, in such form as may be prescribed by said board, of the amount received during each year, the amount expended from such receipts, the purpose for which such expenditures have been made, in detail, and the balance, if any, remaining unexpended. And whenever it appears that, in the opinion of the state board of education, the sums paid to any town have not been used in whole or in part in accordance with the provisions of this section, or that they have not been held and accounted for separately, or that the report thereof herein required has not been made, the commissioners of the school fund are hereby authorized to withhold, as they may deem advisable, the whole or any part of the future allowances otherwise falling to such town under the provisions of this act.

CERTAIN CONDITIONS WITH WHICH TOWNS MUST COMPLY IN ORDER TO RECEIVE A PORTION OF THE MASSACHU- SETTS SCHOOL FUND.

SECTION 6. No such apportionment and distribution shall be made to a town which has not maintained a school as required by section one of chapter forty-two; or which, if containing the number of families or householders required by section two of said chapter, has not maintained, for at least thirty-six weeks during the year, exclusive of vacations, a high school such as is mentioned therein; or which has not made the returns required by sections five and six of chapter forty-three, and complied with the laws relative to truancy; or which has not raised by taxation

School fund,
income of,
to be withheld
from certain
towns.
1834, 169, § 3.
1835, 138, § 1.
R. S. 23, § 66.
G. S. 36, § 3.
1865, 142, § 1.
1866, 208, § 2.
1878, 234, § 1.
P. S. 43, § 5.
139 Mass. 374.
[1 Op. A. G.
517.]

for the support of public schools which are authorized or required by law, including the wages of teachers, the transportation of school children, fuel, the care of fires, school rooms and school premises, supervision, text books and supplies, and school sundries or incidentals during the school year embraced in the last annual returns, an amount not less than three dollars for each person between the ages of five and fifteen years resident in such town on the first day of September of said school year.

School fund,
application
of income of,
by towns.
G. S. 36, § 4.
P. S. 43, § 6.

SECTION 7. The income of said fund shall be applied by the school committees of the towns receiving it to the support of the public schools therein; but said committees may apply not more than twenty-five per cent thereof to the purchase of books of reference, maps and apparatus for the use of said schools.

TOWNS MUST COMPLY WITH ALL THE SCHOOL LAWS IN
ORDER TO RECEIVE ANY PART OF THE MASSACHUSETTS
SCHOOL FUND.

Chapter 107 of the Acts of 1904, provides as follows:—

Section 1. No town shall receive any part of the income of the Massachusetts School Fund unless it shall have complied, to the satisfaction of the board of education, with all laws relating to the public schools.

FUND MUST NOT BE USED FOR COMPENSATION OR EXPENSES
OF SCHOOL COMMITTEES.

Section 2. No part of the income of the Massachusetts School Fund shall be used for payment of the compensation or expenses of members of school committees.

TODD NORMAL SCHOOL FUND.

SECTION 8. The income of the Todd fund shall be paid to the board of education, to be applied by said board to specific objects, in connection with the normal schools, not provided for by legislative appropriation.

Todd fund,
how applied.
1850, 63.
G. S. 36, § 7.
1862, 83, § 1.
P. S. 43, § 9.

[Revised Laws, Chapter 42.]

THE PUBLIC SCHOOLS.

PUBLIC SCHOOLS; ALSO SUBJECTS OF STUDY.

SECTION 1. (*As amended by chapter 181, Acts of 1908, and chapter 524, Acts of 1910.*) Every city and town shall maintain, for at least thirty-two weeks in each year, a sufficient number of schools for the instruction of all the children who may legally attend a public school therein, except that in towns whose assessed valuation is less than two hundred thousand dollars, the required period may, with the consent of the board of education, be reduced to twenty-eight weeks. Such schools shall be taught by teachers of competent ability and good morals, and shall give instruction in orthography, reading, writing, the English language and grammar, geography, arithmetic, drawing, the history of the United States, physiology and hygiene, and good behavior. In each of the subjects of physiology and hygiene, special instruction as to the effects of alcoholic drinks and of stimulants and narcotics on the human system, and as to tuberculosis and its prevention, shall be taught as a regular branch of study to all pupils in all schools which are supported wholly or partly by public money, except schools which are maintained solely for instruction in particular branches. Book-keeping, algebra, geometry, one or more foreign languages, the elements of the natural sciences, kindergarten training, manual training, agriculture, sewing, cooking, vocal music, physical training, civil government, ethics, thrift, and such other subjects as the school committee consider expedient may be taught in the public schools.

Public schools.
Branches
taught.
C. L. 136, 305.
1692-3, 26, § 5.
1789, 19, § 1.
1823, 111.
1826, 143, § 1.
R. S. 23, § 1.
1839, 56, § 1.
1850, 229.
1857, 206, § 1.
1858, 5.
1859, 263.
G. S. 38, § 1.
1862, 7.
1870, 248, § 1.
1876, 3, § 1.
P. S. 44, § 1.
1884, 69.
1885, 332.
1894, 231; 320,
§ 1.
1898, 496, § 1.
1900, 218.
10 Met. 508.
[1 Op. A. G.
577.]

INSTRUCTION IN THE PUBLIC SCHOOLS IN THE APPLICATION OF SURGICAL REMEDIES AND FIRST AID FOR THE INJURED.

Chapter 247, Acts of 1911, provides as follows:—

Instruction may be given in the public schools in the application of surgical remedies in cases of emergency and the principles of first aid for the injured; and school

committees may expend for this purpose such sums from the appropriation for the salaries of teachers as they may deem necessary.

HIGH SCHOOLS.

High schools.
1789, 19, § 1.
1823, 111.
1826, 143, § 1.
R. S. 23, § 5.
1850, 274.
1852, 123.
1857, 206, § 2.
G. S. 38, § 2.
1868, 226.
P. S. 44, § 2.
1898, 496, § 2.
16 Mass. 141.
10 Met. 508.
11 Cush. 178.
98 Mass. 589.

SECTION 2. Every city and every town containing, according to the latest census, state or national, five hundred families or householders, shall, and any other town may, maintain a high school, adequately equipped, which shall be kept by a principal and such assistants as may be needed, of competent ability and good morals, who shall give instruction in such subjects designated in the preceding section as the school committee consider expedient to be taught in the high school, and in such additional subjects as may be required for the general purpose of training and culture, as well as for the purpose of preparing pupils for admission to state normal schools, technical schools and colleges. One or more courses of study, at least four years in length, shall be maintained in each such high school and it shall be kept open for the benefit of all the inhabitants of the city or town for at least forty weeks, exclusive of vacations, in each year. A town may cause instruction to be given in a portion only of the foregoing requirements if it makes adequate provision for instruction in the others in the high school of another city or town.

PAYMENT OF TUITION IN OUTSIDE HIGH SCHOOLS, STATE REIMBURSEMENT THEREOF, AND STATE AID TO CERTAIN APPROVED HIGH SCHOOLS.

Provisions for towns having no high schools.
1891, 263.
1894, 436.
1895, 212.
1898, 496, § 3.
164 Mass. 430.
171 Mass. 501.
[1 Op. A. G. 427.]

SECTION 3. (*As amended by chapter 433, Acts of 1902, and chapter 537, Acts of 1911.*) A town of less than five hundred families or householders in which a public high school or a public school of corresponding grade is not maintained shall pay for the tuition of any child who resides in said town and who, with the previous approval of the school committee of his town, attends the high school of another town or city. If such town neglects or refuses to pay for such tuition, it shall be liable therefor to the parent or guardian of a child who has been furnished with such tuition if the parent or

guardian has paid for the same, and otherwise to the city or town furnishing the same, in an action of contract. If the school committee of a town in which a public high school or public school of corresponding grade is not maintained refuses, upon the completion by a pupil resident therein of the course of study provided by it, to approve his attendance in the high school of some other city or town which he, in the opinion of the superintendent of schools of the town in which he is resident is qualified to enter, the town shall be liable in an action of contract for his tuition. A town whose valuation is less than one million dollars shall be entitled to receive from the treasury of the commonwealth all necessary amounts, and a town whose valuation exceeds one million dollars, but whose number of families is less than five hundred, shall be entitled to receive from the treasury of the commonwealth half of all necessary amounts which have actually been expended for high school tuition under the provisions of this section: *provided*, that such expenditures shall be certified under oath to the board of education by its school committee within thirty days after the date of such expenditure; [but, if a town of less than five hundred families maintains a high school of its own of the character described in section two of this chapter and employs at least two teachers therein, it shall be entitled to receive annually from the treasury of the commonwealth toward the support of such high school the sum of three hundred dollars. No town the valuation of which averages a larger sum for each pupil in the average membership of its public schools than the corresponding average for the commonwealth shall receive money from the commonwealth under the provisions of this section; and no expenditure shall be made by the commonwealth on account of high school instruction under the provisions of this section unless the high school in which such instruction is furnished has been approved by the board of education.]

(Chapter 427, Acts of 1908, as given on page 20 of this pamphlet, takes the place of that part of the above section enclosed in brackets.)

STATE AID FOR HIGH SCHOOLS IN SMALL TOWNS.

Chapter 200, Acts of 1906, as amended by chapter 427, Acts of 1908, provides as follows:—

Section 1. If a town of less than five hundred families maintains a high school of its own of the character described in section two of chapter forty-two of the Revised Laws, and employs at least two teachers therein, it shall be entitled to receive annually from the treasury of the commonwealth toward the support of such high school the sum of five hundred dollars. But no town the valuation of which averages a larger sum for each pupil in the average membership of its public schools than the corresponding average for the commonwealth, shall receive money from the commonwealth under the provisions of this section; and no expenditures shall be made by the commonwealth on account of high school instruction under the provisions of this section unless the high school in which such instruction is furnished has been approved by the state board of education.

Section 2. No payment shall be made from the treasury of the commonwealth under authority of said chapter two hundred, except in accordance with section one of said act as hereby amended.

CERTIFICATION BY THE BOARD OF EDUCATION OF HIGH SCHOOL TEACHERS IN STATE-AIDED HIGH SCHOOLS.

Chapter 375, Acts of 1911, provides as follows:—

Section 1. After July first, nineteen hundred and twelve, no person shall be eligible to teach a high school aided directly by the commonwealth, as provided in chapter two hundred of the acts of the year nineteen hundred and six, as amended by chapter four hundred and twenty-seven of the acts of the year nineteen hundred and eight, who does not hold a high school teacher's certificate issued by the board of education, in accordance with section two hereof.

Section 2. It shall be the duty of the board of education to define the conditions on which high school teachers' certificates shall be given and held, and to grant such certificates to candidates who shall be found qualified by examination or otherwise; but any person with a satis-

factory record as teacher for a period of not less than six months in the high schools of this commonwealth shall be entitled to a certificate to that effect, under this act, if applied for prior to July first, nineteen hundred and twelve, but not otherwise.

Section 3. A list of teachers holding high school teachers' certificates under this act shall be kept in the office of the commissioner of education, and shall be sent to superintendents and school committees in the commonwealth, at their request.

UNION HIGH SCHOOL DISTRICTS.

SECTION 4. Two adjacent towns, each having less than five hundred families or householders, may vote to form one high school district for establishing a high school.

G. S. 38, § 3.

P. S. 44, § 3.

103 Mass. 99.

High school districts in adjacent towns.
1848, 279, § 1.

SECTION 5. The school committees of such towns shall elect one person from each of their respective boards, and the persons so elected shall form the committee for the management and control of such school, with all the powers of school committees.

Committee, how chosen.
Powers.
1848, 279, § 2.
G. S. 38, § 4.
P. S. 44, § 4.

SECTION 6. Such committee shall determine the location of the school house, if one is authorized, to be built by the towns of such high school district; otherwise, it shall authorize the location of such school alternately in the two towns.

—to determine location of school house.
1848, 279, § 3.
G. S. 38, § 5.
P. S. 44, § 5.

SECTION 7. The proportion to be paid by each town for the erection of a permanent school house for such school, for its support and maintenance and for all incidental expenses attending the same, unless otherwise agreed, shall be according to its proportion of the county tax.

Expenses apportioned.
1848, 279, § 4.
G. S. 38, § 6.
P. S. 44, § 6.

UNION SCHOOLS.

SECTION 8. Two or more towns may severally vote to establish union schools for the accommodation of such contiguous portions of each as shall be mutually agreed upon. The management and control of such schools, the location of the same or of the school houses therefor, and the apportionment of the expenses of erecting such school houses and of the support and maintenance of said schools, with all expenditures incident to the same, shall be governed by the provisions of the three preceding sections.

Union schools for two or more towns.
1868, 278.
P. S. 44, §§ 10, 11.
103 Mass. 99.

MANUAL TRAINING.

Manual training.
1894, 471.
1898, 496, § 4.

SECTION 9. Every city and town containing twenty thousand inhabitants or more shall maintain the teaching of manual training as part of both its elementary and its high school system.

INDUSTRIAL SCHOOLS.

Section 10 is repealed. See page 67 of this pamphlet for section 8, chapter 505, Acts of 1906, on industrial education.

EVENING SCHOOLS.

Evening schools.
1870, 248, § 2.
P. S. 44, § 7.
1883, 174, § 1.
1898, 496, § 5.

SECTION 11. Any town may, and every city or town of ten thousand or more inhabitants shall, maintain annually evening schools for the instruction of persons over fourteen years of age in orthography, reading, writing, the English language and grammar, geography, arithmetic, industrial drawing, both free hand and mechanical, the history of the United States, physiology and hygiene, and good behavior. Such other subjects may be taught in such schools as the school committee consider expedient.

EVENING HIGH SCHOOLS.

Evening high schools.
1886, 236, § 1.
1898, 496, § 6.

SECTION 12. Every city of fifty thousand or more inhabitants shall maintain annually an evening high school, in which shall be taught such subjects as the school committee thereof consider expedient, if fifty or more residents, fourteen years of age or over, who are competent in the opinion of the school committee to pursue high school studies shall petition in writing for an evening high school and certify that they desire to attend such school.

Notices as to evening schools.
1887, 433, § 4.

SECTION 13. The school committee shall, two weeks next before the opening of each term of the evening schools, post in three or more public places of their city or town notice of the location of said schools, the date of the beginning of the term, the evenings of the week on which they shall be kept, such regulations as to attendance as they deem proper, and the provisions of section thirty-five of chapter one hundred and six.

NOTE.—Chapter 106, Revised Laws, is repealed by section 145, chapter 514, Acts of 1909. Reference should therefore be made to the provisions of section 66, chapter 514, Acts of 1909, page 61 of this pamphlet.

PAYMENT OF A FEE FOR INSTRUCTION IN THE EVENING SCHOOLS.

Chapter 309, Acts of 1911, provides as follows:—

School committees in cities and towns in which evening schools are maintained may require from each student not bound by law to attend, an advance payment not exceeding one dollar, which sum may, at the discretion of the committee, be turned into the city or town treasury to be credited to the school appropriation of such city or town, or it may be returned in part or in whole to the student at such time and under such conditions as the committee may determine.

FREE EVENING LECTURES.

SECTION 14. The school committee may employ competent persons to deliver lectures on the natural sciences, history and kindred subjects, and may provide cards or pamphlets giving the titles and authors of books of reference on the subject-matter of said lectures which are contained in the local public libraries.

Free evening
lectures.
1893, 208.
1900, 166.

VACATION SCHOOLS.

SECTION 15. The school committee of a city or town may establish and maintain schools to be kept open during the whole or any part of the summer vacation; but attendance thereon shall not be compulsory or be considered as a part of the school attendance required by law.

Vacation
schools.
1899, 246.

EXHIBITION OF PUBLIC SCHOOL WORK.

Chapter 172, Acts of 1904, provides as follows:—

The school committee of any city or town may, at any national, state or foreign exposition, make an exhibition showing the character, standing or work of the public schools of the city or town, and may for that purpose expend part of the money raised by taxation for school purposes in the year in which the appropriation is made.

AUTHORITY OF SCHOOL COMMITTEES OVER ORGANIZATIONS OF SCHOOL PUPILS.

Chapter 251, Acts of 1906, provides as follows:—

Section 1. The school committee may supervise and control all athletic organizations composed of pupils of the public schools and bearing the name of the school.

Section 2. It may directly or through an authorized representative determine under what conditions such organizations may enter into competition with similar organizations in other schools.

SCHOOL COMMITTEES MAY EXPEND MONEY FOR THE SUPERVISION OF SPORTS.

Chapter 314, Acts of 1911, provides as follows:—

SECTION 1. School committees in cities and towns may expend money, as it is now expended for public school purposes, for the supervision of play and games on land under their control and for the equipment thereof.

NAUTICAL SCHOOLS.

Nautical schools.
1878, 159.
P. S. 44, § 9.

SECTION 16. A town may establish and maintain, upon shore or upon vessels at the election of the school committee, one or more schools for training young men or boys in nautical duties; such schools shall be subject to the provisions of section ten, except that the school committee may excuse boys attending such nautical schools from attendance on other schools.

FEMALE ASSISTANTS.

Female assistants.
1839, 56, § 1.
G. S. 38, § 9.
P. S. 44, § 14.

SECTION 17. In every public school having an average of fifty pupils, one or more female assistants shall be employed unless the town votes otherwise.

MORAL INSTRUCTION.

Duty of instructors in colleges, etc.
Const., c. 5, § 2.
C. L. 136, § 3.
1789, 19, § 4.

SECTION 18. The president, professors and tutors of the university at Cambridge and of the several colleges, all preceptors and teachers of academies and all other instructors of youth shall exert their best endeavors to im-

press on the minds of children and youth committed to their care and instruction the principles of piety and justice and a sacred regard for truth, love of their country, humanity and universal benevolence, sobriety, industry and frugality, chastity, moderation and temperance, and those other virtues which are the ornament of human society and the basis upon which a republican constitution is founded; and they shall endeavor to lead their pupils, as their ages and capacities will admit, into a clear understanding of the tendency of the above-mentioned virtues to preserve and perfect a republican constitution and secure the blessings of liberty as well as to promote their future happiness, and also to point out to them the evil tendency of the opposite vices.

1826, 143, § 3.
R. S. 23, § 7.
G. S. 38, § 10.
P. S. 44, § 15.
12 Allen, 127.

BIBLE TO BE READ IN THE SCHOOLS.

SECTION 19. A portion of the Bible shall be read daily in the public schools, without written note or oral comment; but a pupil whose parent or guardian informs the teacher in writing that he has conscientious scruples against it, shall not be required to read from any particular version, or to take any personal part in the reading. The school committee shall not purchase or use school books in the public schools calculated to favor the tenets of any particular religious sect.

Bible to be read in schools.
1826, 143, § 7.
R. S. 23, § 23.
1855, 410.
G. S. 38, § 27.
1862, 57.
1880, 176.
P. S. 44, § 32.
12 Allen, 127.

MEMORIAL DAY.

SECTION 20. In all the public schools the last regular session, or a portion thereof, prior to the thirtieth day of May, known as Memorial Day, shall be devoted to patriotic exercises.

Patriotic exercises.
1890, 111.

VIVISECTION AND DISSECTION.

SECTION 21. No person shall, in the presence of a pupil in any public school or of a minor there present, practise vivisection, or exhibit an animal which has been vivisected. Dissection of dead animals or of any portions thereof in the public schools shall be confined to the class room and to the presence of pupils engaged in the study to be illustrated thereby and shall in no case be for the purpose of exhibition. Whoever violates the provisions of this section shall be punished by a fine of not less than ten nor more than fifty dollars.

Vivisection and dissection regulated.
1894, 151.

TOWNS SHALL RAISE MONEY FOR THE SUPPORT OF SCHOOLS.

Towns to raise money for schools.

1826, 143, § 4.

Forfeiture for neglect to raise money, etc.

C. L. 137, 305.

1692-3, 26, § 5.

1701-2, 10, § 1.

1718-19, 2, § 1.

1789, 19, § 6.

1826, 143, § 19.

R. S. 23, § 60.

1859, 233.

G. S. 38, § 14.

— three-fourths of, appropriated to schools.

1789, 19, § 7.

1826, 143, § 19.

R. S. 23, § 61.

G. S. 38, § 15.

P. S. 44, § 20.

SECTION 22. Towns shall raise by taxation money necessary for the support of public schools.

R. S. 23, § 9.

G. S. 38, § 12.

P. S. 44, § 17.

10 Met. 513.

SECTION 23. A town which refuses or neglects to raise money for the support of schools as required by this chapter shall forfeit an amount equal to twice the highest sum ever before voted for the support of schools therein. A town which refuses or neglects to choose a school committee shall forfeit not less than five hundred nor more than one thousand dollars, to the use of the county.

P. S. 44, § 19.

11 Cush. 178.

SECTION 24. Three-fourths of such forfeiture so paid shall be paid by the county treasurer to the school committee, if any; otherwise, to the selectmen of the town from which it has been recovered, who shall appropriate it to the support of the schools of such town as if it had been regularly raised by the town for that purpose.

TOWNS MAY RAISE MONEY FOR THE CONVEYANCE OF SCHOOL CHILDREN.

Chapter 25, section 15, Revised Laws, provides that a town may at legal meetings appropriate money "For conveying pupils to and from the public schools, or, if it maintains no high school or public school of corresponding grade but affords high school instruction by sending pupils to other towns, for the necessary transportation expenses of such pupils, the same to be expended by the school committee in its discretion."

TRANSPORTATION OF CHILDREN LIVING ON ISLANDS.

Chapter 483, Acts of 1903, provides as follows:—

The state board of education is hereby authorized to furnish or provide transportation to and from school for such children of school age as may be living upon islands within the commonwealth which are not provided with schools, in cases where the city or town within the limits of which such islands are situated is not required by law to provide such transportation.

TRANSPORTATION, BY STREET AND ELEVATED RAILWAY COMPANIES, OF PUPILS OF THE PUBLIC DAY AND PUBLIC EVENING SCHOOLS AND PRIVATE SCHOOLS, AND PUPILS OF INDUSTRIAL SCHOOLS.

Chapter 530, Acts of 1908, as amended by chapter 567, Acts of 1910, provides as follows:—

Section 1. (As amended.) The rates of fare charged by street or elevated railway companies for the transportation of pupils of the public day schools or public evening schools or industrial day or evening schools organized under the provisions of chapter five hundred and five of the acts of the year nineteen hundred and six and acts in amendment thereof, or private schools between a given point, from or to which it is necessary for them to ride in travelling to or from the schoolhouses in which they attend school and their homes, whether such schoolhouses are located in the city or town in which the pupils reside or in another city or town, shall not exceed one half the regular fare charged by such street or elevated railway company for the transportation of other passengers between said points, and tickets for the transportation of pupils as aforesaid, good during the days or evenings on which said schools are in session, shall be sold by said companies in lots of ten each. A railway company which violates the provisions of this section shall forfeit twenty-five dollars for each offence.

Section 2. Section ninety-nine of Part III of chapter four hundred and sixty-three, and chapter four hundred and seventy-nine, of the acts of the year nineteen hundred and six are hereby repealed.

SCHOOL COMMITTEES.

SECTION 25. In cities in which no other provision is made, the term of office of members of the school committee shall commence at the same time as is provided for members of the city council.

SECTION 26. The school committee shall appoint a secretary who shall keep a permanent record book, in which all its votes, orders and proceedings shall be recorded.

Commence-
ment of term.
1846, 223, § 1.
G. S. 38, § 20.
1865, 134.
P. S. 44, § 25.

Records;
secretary.
1838, 105, § 3.
G. S. 38, § 22.
P. S. 44, § 27.
116 Mass. 367.

Duties of
school com-
mittee.

G. S. 38, § 16.
P. S. 44,
§§ 7, 21.
1883, 174, § 2.
1886, 236, § 2.
1898, 496, § 6.

SECTION 27. It shall have the general charge and superintendence of all the public schools, industrial schools, evening schools and evening high schools. It may determine the number of weeks in each year and the hours during which such evening schools shall be kept and may make regulations as to the attendance therein.

SELECTION AND EXAMINATION OF TEACHERS.

School com-
mittee to con-
tract with
teachers.

1838, 105, § 2.
1859, 60.
G. S. 38, § 23.
P. S. 44, § 28.
1891, 159.
1894, 329, § 4.
4 Cush. 599.
9 Allen, 94.
98 Mass. 587.

SECTION 28. It shall select and contract with the teachers of the public schools, shall require full and satisfactory evidence of their moral character, and shall ascertain by personal examination their qualifications for teaching and their capacity for the government of schools; or in lieu thereof, may accept the diplomas granted by the state normal schools of this commonwealth to their graduates [or the certificate issued under the provisions of section fourteen of chapter thirty-nine.]

(The phrase enclosed in brackets in the above section is rendered void by chapter 234, Acts of 1904.)

TEACHER'S CERTIFICATE OF QUALIFICATIONS.

Teachers to re-
ceive and file
certificate;
when and how
paid.

1789, 19, § 9.
R. S. 23, § 14.
1850, 115.
1855, 126.
G. S. 38, § 24.
P. S. 44, § 29.
175 Mass. 128.

SECTION 29. Every teacher shall, before he opens any public school, obtain from the school committee a certificate in duplicate of his qualifications, one of which shall be deposited with the selectmen, or, in a city, with the auditor or treasurer or with any officer who may be prescribed in the charter, before any payment is made to him on account of his services, and upon so filing such certificate, he shall be entitled to receive, on demand, his wages due at the expiration of any quarter, or term longer or shorter than a quarter, or upon the close of any single term of service, subject to the provisions of section eleven of chapter forty-three.

Section 30 is repealed by chapter 456, Acts of 1903.

DISMISSAL OF TEACHERS.

Dismissal of
teachers.

1844, 32.
G. S. 38, § 25.
P. S. 44, § 30.

SECTION 31. The school committee may dismiss any teacher from employment, and he shall receive no compensation for services rendered after such dismissal.

12 Gray, 339.

9 Allen, 94.

123 Mass. 545.

TENURE OF OFFICE OF TEACHERS.

SECTION 32. The school committee may elect a teacher who has served as such in the public schools of its city or town for not less than one year to serve as such at the pleasure of the committee.

Tenure of office of teachers.
1886, § 313.

WHEN COMMITTEES SHALL VISIT SCHOOLS.

SECTION 33. If there is no superintendent of schools, the school committee or one or more of its members shall, for the purpose of organizing and making a careful examination of the schools and of ascertaining that the pupils are properly supplied with books, visit all the public schools in its town on a day during the first week after the opening of each term of such schools, and on a day during the two weeks preceding the close of the same, and also, without giving previous notice thereof to the instructors, once in each month; and they shall, at such examinations, inquire into the regulation and discipline of the schools and into the habits and proficiency of the pupils.

School committee to visit schools.
1826, 143, § 5.
R. S. 23, § 15.
16.
G. S. 38, § 26.
1873, 292, § 2.
1876, 186, § 1.
P. S. 44, § 31.

TEXT BOOKS AND COURSE OF STUDIES.

SECTION 34. (*As amended by chapter 201, Acts of 1910.*) The school committee shall direct what books shall be used in the public schools, and shall prescribe, as far as is practicable, a course of studies and exercises to be pursued therein. Such exercises may, at the discretion of the committee, include calisthenics, gymnastics and military drill; but no special instructors shall be employed therefor except by a two-thirds vote of the committee. No pupil shall be required to take part in any military exercise if his parent or guardian is of the religious denomination of Quakers or Shakers or of any other religious denomination conscientiously opposed to bearing arms, or if said parent or guardian is himself conscientiously scrupulous of bearing arms, and so notifies the school committee in writing; or if a physician of good standing shall certify in writing that in his opinion such exercise would be injurious to the pupil's health.

—to select books and prescribe studies.
1826, 143, § 7.
R. S. 23, § 17.
G. S. 38, § 28.
1876, 47, § 1.
1881, 193, § 1.
P. S. 44, § 33.

FREE TEXT BOOKS AND SCHOOL SUPPLIES.

Text books
and supplies to
be provided by
towns.
1855, 436.
1873, 106.
1878, 23.
P. S. 44, § 40.
1884, 103.
1894, 320, § 2.

SECTION 35. The school committee shall, at the expense of the town, purchase text books and other school supplies used in the public schools, and, subject to such regulations as to their care and custody as it may prescribe, loan them to the pupils of such schools free of charge, and, if instruction is given therein in the use of tools and in cooking, may so purchase and loan the tools, implements and materials necessary therefor.

Text books
may be pur-
chased by
pupils.
1901, 472.

SECTION 36. In a city which, by vote of the board of aldermen, and in a town which, by vote of the inhabitants at an annual town meeting, accepts the provisions of this section or has accepted the corresponding provisions of earlier laws, the school committee shall make regulations with reference to the care, custody and distribution of books and supplies so loaned, and may provide for the continued use of any text books by such pupils throughout any grades. Such pupils may, if the school committee so votes, purchase from such city or town, at such time and place as the school committee designates, at not more than the cost price to such city or town, any text books which are or are to be used by them in the public schools, and, if the committee so votes, pupils who complete two years in any public school in grades more advanced than the fourth grade may, upon graduating from the grammar school and upon application to the school committee, be permitted to acquire the permanent ownership of such three text books, used during the last year of their attendance in the school, as they may select.

Apparatus and
reference
books.
1885, 161, § 2.

SECTION 37. The school committee shall, at the expense of the town and in accordance with appropriations therefor previously made, procure apparatus, reference books and other means of illustration.

Change of
books.
1859, 93, § 2.
G. S. 38, § 28.
1863, 126.
1867, 155.
1876, 47, § 2.
P. S. 44, § 34.

SECTION 38. A change may be made in the school books used in the public schools by a vote of two-thirds of the whole school committee at a meeting thereof, notice of such intended change having been given at a previous meeting.

COMPENSATION OF SCHOOL COMMITTEES.

Compensation
of committee.
1838, 105, § 4.
1854, 314.

SECTION 39. In towns which are subject to the provisions of sections forty-three and forty-four and which

vote to authorize the school committee to receive compensation, the members of the committee shall each be paid two dollars and fifty cents a day for the time actually occupied in performing the duties of the office, and such additional compensation as the town may allow. In other towns and in cities, they shall receive no compensation.

1856, 232.
G. S. 38, §§ 34,
35.
1873, 157.
P. S. 44, §§ 42,
43.
1888, 431, § 5.
1898, 466, § 5.

MEMBERS OF SCHOOL COMMITTEES INELIGIBLE TO CERTAIN POSITIONS.

Chapter 173, Acts of 1904, provides as follows:—

No member of a school committee in any city or town shall be eligible to the position of teacher in or master or superintendent of the public schools of such city or town, or to the position of teacher in or master or superintendent of public schools in any school district or superintendency union of which such town forms a part.

SUPERINTENDENTS OF PUBLIC SCHOOLS.

SECTION 40. The school committee of a city or town which is not within an existing union for the employment of a superintendent may, and after the first day of July in the year nineteen hundred and two shall, at the expense of the city or town, employ a superintendent of schools, who, under the direction and control of the committee, shall have the care and supervision of the public schools. The compensation of the superintendent shall not be less than one dollar and fifty cents for each day of actual service, and shall be determined by the school committee.

Superintendent of public schools, appointment, duties, etc.
1854, 314.
1856, 232.
G. S. 38, § 35.
1860, 101.
1870, 117.
1873, 108.
1874, 272.
P. S. 44, § 43.
1888, 431, § 5.
1898, 466, § 5.
1900, 248, § 1.
111 Mass. 87.
138 Mass. 149.

SECTION 41. Two or more towns may, by a vote of each, form a district for the purpose of employing a superintendent of public schools therein.

District superintendent.
1870, 183, § 1.
P. S. 44, § 44.

SECTION 42. Such superintendent shall be annually appointed by a joint committee, composed of the chairman and secretary of the school committee of each of the towns in said district, who shall determine the relative amount of service to be performed by him in each town, fix his salary, apportion the amount thereof to be paid by the several towns and certify the same to each town treasurer.

Superintendent of public schools, manner of appointment of, salary, etc.
1870, 183, § 2.
P. S. 44, § 45.

PERMANENCE OF SCHOOL SUPERINTENDENCY UNIONS.

Union of towns
for employ-
ment of super-
intendent.
1888, 431, §
§ § 1, 2.
1893, 200, §
§ § 1, 2.
1898, 466, §
§ § 1, 2.
1900, 248, § 2.
[1 Op. A. G.
147.]

SECTION 43. (*As amended by chapter 399, Acts of 1911.*) The school committees of two or more towns the valuation of each of which is less than two million five hundred thousand dollars, and the aggregate number of schools in all of which is not more than fifty nor less than twenty-five, and the school committees of four or more towns the valuation of each of which does not exceed two million five hundred thousand dollars, without reference to the minimum limit in the aggregate number of schools aforesaid, shall form a union for the purpose of employing a superintendent of schools. The school committees of such towns shall be a joint committee which, for the purposes of such union, shall be the agents of each town therein. Such union shall not be dissolved except by a vote of a majority of the towns constituting the union, and the consent of the board of education to such dissolution, nor shall it be dissolved for the reason that the valuation of any one of the towns shall have so increased as to exceed two million five hundred thousand dollars, nor for the reason that the number of schools shall have increased beyond fifty or, in a union of less than four towns, shall have decreased below twenty-five.

EMPLOYMENT OF SUPERINTENDENTS OF SCHOOLS IN UNIONS OF TOWNS AND TENURE OF OFFICE.

Joint commit-
tee, etc.
1888, 431, §
1893, 200, § 2.
1898, 466, §
170 Mass. 289.
176 Mass. 473.

SECTION 44. (*As amended by chapter 384, Acts of 1911.*) The joint committee shall annually, in April, meet at a day and place agreed upon by the chairman of the committees of the several towns comprising the union, and shall organize by the choice of a chairman and secretary. They shall employ a superintendent of schools, determine the relative amount of service to be performed by him in each town, fix his salary, apportion the amount thereof to be paid by the several towns and certify it to each town treasurer. Such superintendent of schools shall be employed for a term of three years, and his salary shall not be reduced during such term. Failure of a superintendent during his term of office to receive a certificate as provided by chapter two hundred and fifteen of the acts of the year nineteen hundred and four, upon

the expiration of a prior certificate, shall thereby vacate his office. He may be removed from office by a two thirds vote of the full membership of the joint committee, and with the consent of the board of education to such dismissal, whereupon his salary shall cease.

SUPERINTENDENCY UNIONS AIDED BY THE STATE.

SECTION 45. When the chairman and secretary of such joint committee certify to the auditor of accounts under oath, that a union has been effected, that the towns, in addition to an amount equal to the average of the total amount paid, or to the amount paid for each child, by the several towns for schools during the three years then last preceding, unitedly have appropriated and raised by taxation not less than seven hundred and fifty dollars for the support of a superintendent of schools, and that a superintendent of schools has been employed for one year, a warrant shall, upon the approval of the certificate by the board of education, be drawn upon the treasurer and receiver general for the payment of twelve hundred and fifty dollars, three-fifths of which shall be paid for the salary of such superintendent, and two-fifths thereof shall be apportioned and distributed to the towns forming such union on the basis of the amount appropriated and expended for a superintendent in such towns for the preceding year and shall be paid for the salaries of teachers employed in the public schools therein.

Payment by
common-
wealth upon
certificate.
1888, 431, § 3.
1893, 200, § 3.
1898, 466, § 3.

SECTION 46. There shall be annually appropriated by the commonwealth such amount as may be necessary to carry out the provisions of the three preceding sections.

1888, 431, § 4. 1890, 379. 1891, 272. 1893, 200, § 4. 1894, 53. 1898, 466, § 4.

Appropriations to provide towns with school superintendents.

TOWNS WHOSE VALUATION EXCEEDS \$2,500,000 MAY BE ADMITTED WITHOUT STATE AID TO SUPERINTENDENCY UNIONS.

SECTION 47. Towns whose valuation exceeds the limit fixed by section forty-three may participate in a union formed under the provisions of said section, in the same manner and subject to the same terms, conditions and benefits as towns having such limited valuation, except that the allowance by the commonwealth in aid of said union, as provided in the preceding section, shall not be made to the entire union, but shall first be apportioned to

Admission of towns exceeding limit of valuation.
1898, 466, § 6. 7.

the several towns upon the basis of the amount appropriated by them respectively for the support of a superintendent of schools for the preceding year, and the warrant upon the treasurer and receiver general shall then be drawn in favor of and only for the portions so assigned to those towns of the union whose valuation at the time of said union did not exceed the limit provided in section forty-three.

EFFECT OF INCREASE OF VALUATION.

Effect of
increase of
valuation.
1898, 466, § 8.

SECTION 48. If the valuation of a town in a union formed under the provisions of section forty-three or of the preceding section shall so increase as to exceed three million five hundred thousand dollars, such increase shall have the same effect as if the valuation of said town had exceeded two million five hundred thousand dollars at the date of the formation of such union.

FORMATION OR READJUSTMENT OF SUPERINTENDENCY UNIONS BY THE STATE BOARD OF EDUCATION.

Chapter 299, Acts of 1903, provides as follows:—

The state board of education is hereby authorized to form or readjust unions of towns for the employment of superintendents of schools whenever in its judgment it becomes imperatively necessary to include a town which is otherwise unable to comply with the law. In carrying out the provisions of this act the board may allow the formation of unions with a number of schools less than that required by section forty-three of chapter forty-two of the Revised Laws, and in no case shall the readjustment deprive any town of its right to aid under the law.

QUALIFICATIONS OF CERTAIN SUPERINTENDENTS OF SCHOOLS DETERMINED BY THE STATE BOARD OF EDUCATION.

Chapter 215, Acts of 1904, provides as follows:—

In all superintendency unions in which any part of the expense of the superintendent is borne by the commonwealth the state board of education shall determine, by examination or otherwise, the qualifications of candidates for the position of superintendent of public schools; and, after the first day of January in the year nineteen hundred

and five, no person shall be elected to such position who does not hold a certificate of fitness and competency from said board: *provided, however*, that this act shall not apply to any superintendency union in which one town does not receive aid from the commonwealth for expense of a superintendent, until the termination of the contract, if any, existing between such towns at the time of the passage of this act.

DUTIES AND POWERS OF SUPERINTENDENTS OF SCHOOLS.

Chapter 444, Acts of 1910, provides as follows:—

SECTION 1. The superintendent of schools employed in accordance with section forty, section forty-one or section forty-four of chapter forty-two of the Revised Laws, shall, under the direction of the school committee, have the care and supervision of the public schools, and shall be the executive officer of the school committee. He shall assist the school committee in keeping its records and accounts and in making such reports as are required by law.

SECTION 2. The superintendent of schools shall recommend teachers to the school committee, and shall also recommend text-books and courses of study to the school committee.

SCHOOL HOUSES.

SECTION 49. Every town shall provide and maintain a sufficient number of school houses, properly furnished and conveniently located for the accommodation of all children therein who are entitled to attend the public schools. A town which for one year refuses or neglects to comply with the requirements of this section shall forfeit not less than five hundred nor more than one thousand dollars, to be paid and applied as provided in sections twenty-three and twenty-four. The school committee, unless the town otherwise directs, shall have general charge and superintendence of the school houses therein, shall keep them in good order, and shall procure a suitable place for the schools, if there is no school house, and provide fuel and all other things necessary for the comfort of the pupils therein, at the expense of the town.

School houses,
towns to main-
tain.
Penalty for
neglect.
1826, 143, § 10.
1829, 116.
R. S. 23, § 32.
1859, 252,
§§ 4, 5.
G. S. 38, §§ 36,
40.
1871, 145.
P. S. 44, §§ 46,
50.
145 Mass. 555.

DISPLAY OF THE UNITED STATES FLAG ON SCHOOL HOUSES.

School houses,
flags to be
provided for,
and displayed
on.

SECTION 50. (*As amended by chapter 229, Acts of 1909, and chapter 232, Acts of 1911.*) The school committee of every city and town shall provide for each schoolhouse in which a public school is maintained and which is not otherwise supplied, a United States flag of silk or bunting not less than four feet in length, and suitable apparatus whereby the flag shall be displayed on the schoolhouse building or grounds every school day when the weather permits, and on the inside of the schoolhouse on other school days. Failure to observe this law for a period of five consecutive days upon the part of the master or principal in charge of the school at the time, shall be punished by a fine of not more than five dollars for each period of five days of such negligence, unless such failure is caused by the school committee in not providing the said master or principal with a flag, in which case the said penalty shall be imposed on those directly responsible for the failure so to supply the said master or principal. Said penalty shall be imposed by any court of competent jurisdiction within the commonwealth.

Penalty.

LOCATION OF SCHOOL HOUSES.

School houses,
location of.
1826, 143, § 10.
1829, 116.
R. S. 23, §§ 28,
32.
1848, 237.
1859, 252, § 4.
G. S. 38, § 37.
P. S. 44, § 47.

SECTION 51. A town may, at a meeting called for the purpose, determine the location of its school houses, and adopt all necessary measures to purchase and procure land therefor, as provided in sections forty-seven, forty-eight and forty-nine of chapter twenty-five.

109 Mass. 206.

117 Mass. 393.

127 Mass. 4.

137 Mass. 235.

GENERAL PROVISIONS.

School funds
of corporations
not affected.
1826, 143, § 18.
R. S. 23, § 59.
G. S. 38, § 13.
P. S. 44, § 18.

SECTION 52. The provisions of this chapter shall not affect the right of any corporation established in a town to manage any estate or funds given or obtained for the purpose of supporting schools therein, or in any wise affect such estate or funds.

Provisions of
chapter to
apply to cities,
except, etc.
G. S. 38, § 41.
P. S. 44, § 51.

SECTION 53. Except as otherwise provided in their respective charters, the provisions of this chapter, so far as applicable, shall apply to cities.

USE OF SCHOOL HALLS FOR OTHER THAN SCHOOL PURPOSES.

Chapter 367, Acts of 1911, provides as follows:—

SECTION 1. The school committee of any city or town which accepts the provisions of this act may grant the temporary use of halls in school buildings upon such terms and conditions and for such public or educational purposes, for which no admission fee is charged, as the said school committee may deem wise: *provided, however*, that such use shall not in any way interfere or be inconsistent with the use of the halls for school purposes.

SECTION 2. This act shall take effect in a city upon its acceptance by a two thirds vote of the members of each branch of the city council or corresponding body of that city present and voting, and upon the approval of the mayor; and it shall take effect in a town upon its acceptance by a majority of the voters of the town present and voting thereon at an annual town meeting or at a special meeting called for the purpose.

[Revised Laws, Chapter 43.]

SCHOOL REGISTERS AND RETURNS.

FORMS FOR CENSUS, REGISTERS AND RETURNS.

SECTION 1. The [secretary¹] of the board of education shall send forms for the school census required by section three, the school registers, forms for the returns to be made by school committees, the annual report of the board and his own annual report, as soon as they are ready for distribution, to the secretary of the school committee of each city and town, who shall, on receipt thereof, deliver them to the several persons charged with the duties in connection therewith, and send to the [secretary¹] of the board of education a list of the private schools in the city or town and the names of their principals. The board of education may annually expend not more than twelve hundred dollars for the printing and distribution of said school registers and forms for returns of school committees.

SECTION 2. The secretary of every school committee who does not receive blank forms of inquiry for school

Secretary of
board of edu-
cation to for-
ward forms,
etc.
1845, 100.
1849, 65,
§§ 1, 2.
1850, 41.
G. S. 34, § 7;
40, § 1.
P. S. 41, § 7;
46, § 1.
1898, 496, § 14.
1899, 111.
1900, 187.

Secretary of
board of edu-
cation to be

¹ Commissioner of education. See footnote, page 5.

notified of
non-delivery.
1846, 223, § 3.
G. S. 40, § 2.
P. S. 46, § 2.
1898, 496, § 15.

returns, on or before the fifth day of April, shall forthwith notify the [secretary¹] of the board of education thereof, who shall thereupon transmit them to him.

SCHOOL CENSUS.

School census.
1846, 223, § 2.
1849, 117, § 1.
1855, 15.
G. S. 40, § 3.
1874, 303, § 1.
1879, 21.
P. S. 46,
§§ 3, 4.
1898, 496, § 16.
1901, 289.

SECTION 3. The school committee of each city and town shall annually ascertain and record the names, ages and such other information as may be required by the board of education, of all children between five and fifteen years of age, and of all minors over fourteen years of age who cannot read at sight and write legibly simple sentences in the English language, residing in its city or town on the first day of September, and such record shall be completed on or before the fifteenth day of November. Whoever, having under his control a minor over five years of age, withholds information sought by a school committee or its agents under the provisions of this section or makes a false statement relative thereto, shall be punished by a fine of not more than fifty dollars.

FORM OF CERTIFICATE.

School com-
mittee to cer-
tify number of
children,
also amount
raised for sup-
port of schools.
1846, 223, § 2.
1849, 117, § 1.
1855, 23.
G. S. 40, § 4.
1865, 142, § 2.
1874, 303, § 2.
P. S. 46, § 5.
1896, 179.
1898, 496, § 17.
1900, 175.

SECTION 4. The chairman and the secretary of each school committee shall annually on or before the thirtieth day of April transmit to the [secretary¹] of the board of education a certificate filled out, signed and sworn to by them as follows: —

We, the chairman and the secretary of the school committee of _____, hereby certify:

I. That on the first day of September last preceding the date of this certificate, there resided in said town (or city) according to the school census required by law to be taken for that date, the number of _____ persons between the ages of five and fifteen years, and the number of _____ persons between the ages of seven and fourteen years.

II. That the number of pupils in the average membership of the public schools of said town (or city) for the school year last preceding the aforesaid first day of September, as determined by the rules of the state register furnished to said schools, was _____.

III. That said town (or city) raised by taxation and expended during the fiscal year last preceding the date of this certificate the sum of _____ dollars for the support of the public schools, including the wages of teachers, the transportation of school children, fuel, the care of fires, school rooms and school premises, super-

¹ Commissioner of education. See footnote, page 5.

vision, text books and supplies, and school sundries or incidentals, but excluding repairs, alterations and construction of school houses and contributions for the support of public schools which may be received from the commonwealth or from other sources than local taxation.

IV. That said town (or city) maintained during the school year aforesaid for a period of not less than thirty-two weeks, or twenty-eight weeks if such reduction has been allowed under the provisions of section one of chapter forty-two of the Revised Laws, each of the schools required to be kept by said section.

V. And that said town (or city) maintained during said year a high school [] as required by section two of said chapter, for a period of months days.

Chairman.

Secretary.

ss.

On this day of A.D. 190 , personally appeared the above-named chairman and secretary of the school committee of , and made oath that the above certificate by them subscribed is true to the best of their knowledge and belief.

Before me,

Justice of the Peace.

SCHOOL REGISTERS AND SCHOOL RETURNS.

SECTION 5. School committees shall cause the school registers to be faithfully kept in all the public schools, and shall annually, on or before the last day of April, make returns on the aforesaid forms of inquiry to the [secretary¹] of the board of education; and school committees of towns shall also specify therein the purposes to which the money received by their respective towns from the income of the school fund has been appropriated. In such returns, twenty days, or forty half days of actual session, shall be counted as one month.

Registers and
returns.
1826, 143, § 8.
R. S. 23, § 63,
64.
1837, 227.
1838, 105, § 6.
1846, 223, § 3.
1850, 179.
G. S. 40, § 5.
1865, 142, § 3.
P. S. 46,
§§ 6, 7.
1898, 496, § 18.
3 Cush. 549.

REPORT OF THE SCHOOL COMMITTEE TO BE SENT TO THE [SECRETARY¹] OF THE STATE BOARD OF EDUCATION.

SECTION 6. They shall annually make a detailed report of the condition of the several public schools, which shall contain any statements or suggestions relative to the schools which the committee consider necessary or proper. They shall cause said report to be printed, for the use of the inhabitants, in octavo, pamphlet form, of the size of the annual reports of the board of education, and transmit

Report of com-
mittee.
1838, 105, § 1.
1846, 223, § 4.
1859, 57.
G. S. 40, § 6.
P. S. 46, § 8.
11 Gray, 340.
101 Mass. 142.

¹ Commissioner of education. See footnote, page 5.

two copies thereof to the [secretary¹] of said board on or before the last day of April, and shall deposit one copy in the office of the city or town clerk.

FAILURE TO MAKE RETURNS OR REPORT.

Report of committee, when not made.
1853, 93, § 1.
G. S. 40, § 7.
P. S. 46, § 9.

SECTION 7. If a school committee fails, within the prescribed time, to make either the returns or the report required of it by law, the [secretary¹] of the board of education shall forthwith notify it of such failure, and it shall immediately cause the same to be transmitted to him.

IRREGULAR OR INCORRECT RETURNS.

— when irregular, etc.
1855, 93, § 2.
G. S. 40, § 8.
P. S. 46, § 10.
1898, 496, § 20.

SECTION 8. If a return is found to be irregular or incorrect, the [secretary¹] of the board of education shall forthwith return it, with a statement of all deficiencies therein, to the school committee for correction, and it shall promptly correct and return it.

PENALTY FOR FAILURE TO SEND RETURNS OR REPORT TO THE [SECRETARY¹] OF THE STATE BOARD OF EDUCATION.

— penalty for neglect to make.
1855, 93, § 3.
1859, 233.
G. S. 40, § 9.
P. S. 46, § 11.
1898, 496, § 21.

SECTION 9. A town whose report or returns do not reach the office of the [secretary¹] of the board of education on or before the fifteenth day of May shall forfeit ten per cent of the income of the school fund to which it would otherwise have been entitled. If such report or returns do not reach said office before the first day of June, the town's share of said income shall be retained by the treasurer and receiver general, and shall be added to the principal of the school fund. A town which is not entitled to a portion of the school fund, and a city, whose report or returns do not reach said office on or before the first day of June, shall forfeit to the school fund two hundred dollars.

PENALTY ON SCHOOL COMMITTEE.

Penalty on committee for neglect to report.
1847, 183, § 2.
1848, 173.
G. S. 40, § 12.
P. S. 46, § 14.

SECTION 10. A town which has forfeited any part of its portion of the income of the school fund through the failure of the school committee to perform its duties relative to the school report and school returns may withhold the compensation of the committee.

¹ Commissioner of education. See footnote, page 5.

TEACHERS SHALL FAITHFULLY KEEP REGISTERS.

SECTION 11. The several school teachers shall faithfully keep the registers of attendance daily, and make due return thereof to the school committee or to such person as the committee may designate. No teacher of a public school shall receive payment for services for the two weeks preceding the close of any term until the register, properly filled up and completed, is so returned. All registers shall be kept at the schools, and at all times during school hours shall be open to the inspection of the school committee, the superintendent of schools, the truant officers and the [secretary¹] and agents of the board of education. In reckoning the average membership and the percentage of attendance in the schools, no pupil's name shall be omitted in counting the number of persons belonging to the school and the number of absences of such persons until it is known that such pupil has withdrawn from the school without intention of returning or, in the absence of such knowledge, until ten consecutive days of absence have been recorded; but the foregoing provision for computing the average membership and the percentage of attendance shall not affect proceedings against habitual truants, absentees or school offenders, or other persons, under the provisions of section one of chapter forty-four and sections three, four and five of chapter forty-six. A pupil who is not present during at least half of a session shall be marked and counted as absent for that session.

Registers.
Teacher not to
draw pay until
return of
register.
1849, 209.
G. S. 40, § 13.
P. S. 46, § 15.
1891, 99.
1898, 496, § 19.

[Revised Laws, Chapter 44.]

SCHOOL ATTENDANCE.

ATTENDANCE COMPULSORY BETWEEN SEVEN AND FOURTEEN YEARS OF AGE, AND UNDER SIXTEEN IN CERTAIN CASES.

SECTION 1. (*As amended by chapter 320, Acts of 1905, and chapter 383, Acts of 1906.*) Every child between seven and fourteen years of age, and every child under sixteen years of age who cannot read at sight and write legibly simple sentences in the English language, shall attend some public day school in the city or town in which he resides

Certain
children to
attend school.
1898, 496,
§§ 12, 31.
139 Mass. 374.
148 Mass. 623.
159 Mass. 372.

¹ Commissioner of education. See footnote, page 5.

during the entire time the public day schools are in session, subject to such exceptions as to children, places of attendance and schools as are provided for in section three of chapter forty-two and sections three, five and six of this chapter. The superintendent of schools or, if there is no superintendent of schools, the school committee, or teachers acting under authority of said superintendent or committee, may excuse cases of necessary absence. The attendance of a child upon a public day school shall not be required if he has attended for a like period of time a private day school approved by the school committee of such city or town in accordance with the provisions of the following section, or if he has been otherwise instructed for a like period of time in the branches of learning required by law to be taught in the public schools, or if he has already acquired such branches of learning, or if his physical or mental condition is such as to render such attendance inexpedient or impracticable. Every person having under his control a child as described in this section shall cause him to attend school as herein required; and if he fails for five day sessions or ten half day sessions within any period of six months while under such control to cause such child, whose physical or mental condition is not such as to render his attendance at school harmful or impracticable, so to attend school, he shall, upon complaint by a truant officer and conviction thereof, be punished by a fine of not more than twenty dollars: *provided, however*, that no physical or mental condition which is capable of correction, or which renders the child a fit subject for special instruction at public charge in institutions other than the public day schools, shall avail as a defence under the provisions of this section unless it shall be made to appear that the defendant has employed all reasonable measures for the correction of the condition, or the suitable instruction of the child. Whoever induces or attempts to induce a child to absent himself unlawfully from school, or employs or harbors a child who, while school is in session, is absent unlawfully from school shall be punished by a fine of not more than fifty dollars.

School attendance regulated; penalty.

WHEN PRIVATE SCHOOLS MAY BE APPROVED.

Approval of private schools.
1873, 279, § 1.
1878, 171.

SECTION 2. For the purposes of the preceding section, school committees shall approve a private school only when the instruction in all the studies required by law is

in the English language, and when they are satisfied that such instruction equals in thoroughness and efficiency and in the progress made therein the instruction in the public schools in the same city or town; but they shall not refuse to approve a private school on account of the religious teaching therein.

P. S. 47, § 2.
1889, 464, § 2.
1894, 498, § 2.
148 Mass. 623.
159 Mass. 374.

WHERE CHILDREN HAVE A RIGHT TO ATTEND SCHOOL.

SECTION 3. (*As amended by chapter 268, Acts of 1911.*) Every child shall have the right to attend the public schools in the city or town in which his parent or guardian has a legal residence or in which the child himself actually resides, if he is without parent or guardian, subject to such reasonable regulations as to the numbers and qualifications of pupils to be admitted to the respective schools and as to other school matters, as the school committee shall from time to time prescribe. No child shall be excluded from a public school of any city or town on account of race, color or religion.

Where children may attend.
1849, 117, § 4.
1855, 256, § 1.
1857, 132.
G. S. 41,
§§ 3, 9.
P. S. 47, §§ 4, 10.
1894, 498,
§§ 4, 11.
1898, 496, § 7.
12 Allen, 127.
139 Mass. 374.
165 Mass. 460.

ATTENDANCE AT SCHOOLS IN PLACES OTHER THAN RESIDENCE.

SECTION 4. (*As amended by chapter 375, Acts of 1905, and chapter 268, Acts of 1911.*) If a child, whose parent or guardian has a legal residence within the commonwealth, resides in a city or town other than that of the legal residence of his parent or guardian, and in the opinion of the school committee of the said city or town such residence is for the purpose of there attending school in preference to the place of the legal residence of his parent or guardian, the said city or town may recover from the parent or guardian for the tuition of said child, while there attending school, subject to appeal to the probate court, an amount equal to the average expense of such school for each pupil during the preceding year. for a period equal to the time during which the child so attends, unless the city or town in which the parent or guardian resides is required by section three of chapter forty-two to pay for said tuition. A child whose parent or guardian has no legal residence in the commonwealth may be permitted, in the discretion of the school committee in charge, to attend the schools of any city or town

Attendance of children at school in places other than residence of parents or guardians regulated.

on payment as tuition of an amount not less than the average cost of education per pupil in the school which the said child attends. For the tuition in the public schools in any city or town of a child between the ages of five and fifteen years who shall be placed elsewhere than in his own home by the state board of charity, or by the trustees of the Lyman and industrial schools, or kept under the control of either of said boards in said city or town, the commonwealth shall pay to said city or town, and for such tuition of any such child so placed by the trustees for children of the city of Boston, or so kept under the control of said trustees, the city of Boston from its appropriation for school purposes, shall pay to said city or town, fifty cents for each week of five days, or major part thereof, of attendance of every such child in the public schools. For the transportation to and from a public school of any child whose tuition is payable by the commonwealth or by the city of Boston under the provisions of this section, the commonwealth or the city of Boston, as the case may be, shall pay to the city or town furnishing such transportation, for each week of five days or major part thereof, an amount equal to the average amount for each child paid by said city or town per week for the transportation of children to and from school over the route by which such child is conveyed. Settlements of the accounts of the several cities and towns with the commonwealth and with the city of Boston shall be made annually on the first day of April, and the amounts found due shall be paid within three months thereafter. The money received by said cities and towns under the provisions of this section shall be applied to the support of schools. For the tuition in the public schools in any town of less than ten thousand inhabitants of any child between the ages of five and fifteen years not theretofore resident in such town, who is an inmate of an institution containing more than six inmates, said town may recover from said institution the extra school expense incurred, as may be determined jointly by the school committee of said town and the trustees or managers of said institution, or, in case of disagreement between said school committee and said trustees or managers, as may be decreed by the probate court; but no demand shall be made

upon said trustees or managers without a vote of the town instructing the school committee to that effect.

SECTION 5. Any child, with the consent of the school committee of the city or town in which he resides, may attend, at the expense of said city or town, the public schools of another city or town, upon such terms as may be satisfactory to the school committees of the cities or towns in interest.

Attendance
outside place
of residence.
1857, 132.
G. S. 41, § 7.
1876, 186, § 2.
P. S. 47, § 8.
1894, 498, § 8.
1898, 496, § 10.

VACCINATION OF CHILDREN; ALSO EXCLUSION FROM SCHOOL ON ACCOUNT OF CONTAGIOUS DISEASE.

SECTION 6. (*As amended by chapter 371, Acts of 1906, and chapter 215, Acts of 1907.*) A child who has not been vaccinated shall not be admitted to a public school except upon presentation of a certificate granted for cause stated therein, signed by a regular practising physician that he is not a fit subject for vaccination. A child who is a member of a household in which a person is ill with smallpox, diphtheria, scarlet fever, measles, or any other infectious or contagious disease, or of a household exposed to such contagion from another household as aforesaid, shall not attend any public school during such illness until the teacher of the school has been furnished with a certificate from the board of health of the city or town, or from the attending physician of such person, stating that danger of conveying such disease by such child has passed.

Vaccination
of children.
P. S. 47, § 9.
1894, 498, § 9.
1894, 515.

Exclusion of
pupils in
household
having a
contagious
disease.
1855, 414, § 2.
G. S. 41, § 8.
P. S. 47, § 9.
1884, 64.
1885, 198.
1894, 498,
§§ 9, 10.
1898, 496, § 11.

REASONS TO BE GIVEN FOR EXCLUSION; ALSO DAMAGES FOR UNLAWFUL EXCLUSION.

SECTION 7. The parent, guardian or custodian of a child who has been refused admission to or excluded from the public schools shall on application therefor be furnished by the school committee with a statement in writing of the reasons for the exclusion. After a statement has been so furnished a child who has been so refused admission to or excluded from said schools may recover damages from the city or town in an action of tort for unlawful exclusion, and may examine any member of the school committee or any other officer of the defendant city or town, upon interrogatories, as if he were a party to the action.

Exclusion
from school,
action for,
when.
1845, 214.
1855, 256,
§§ 2-4.
G. S. 41, §§ 10-
12.
P. S. 47, §§ 11-
13.
1894, 498,
§§ 12-14.
1898, 496, § 9.
8 Cush. 160.
7 Gray, 245.
111 Mass. 499.
116 Mass. 365.
133 Mass. 103.
157 Mass. 561.
165 Mass. 460.

PUPIL NOT TO BE EXCLUDED WITHOUT A HEARING.

Pupil not to be excluded without hearing.
165 Mass. 460.

SECTION 8. A school committee shall not permanently exclude a pupil from the public schools for alleged misconduct without first giving him an opportunity to be heard.

[Revised Laws, Chapter 45.]

THE NAUTICAL TRAINING SCHOOL.

Commissioners of Massachusetts nautical training school.
1891, 402, § 1.

SECTION 1. There shall be a board of commissioners of the Massachusetts nautical training school consisting of three citizens of the commonwealth, one of whom shall annually, before the first day of July, be appointed by the governor, with the advice and consent of the council, for a term of three years from said first day of July.

Commissioners of Massachusetts nautical training school, to serve without compensation.

SECTION 2. Said commissioners shall serve without compensation, but they shall be reimbursed by the commonwealth for all expenses actually incurred by them in the performance of their official duties. 1891, 402, § 2.

— to provide and maintain a nautical training school.
1891, 402, § 3.

SECTION 3. They shall provide and maintain a nautical training school for the instruction and training of pupils in the science and practice of navigation, shall provide accommodations for the school on board a proper vessel, purchase and provide books, stationery, apparatus and supplies needed in the work of the school, appoint and remove instructors and other necessary employees, determine their number and compensation, fix the terms and conditions upon which pupils shall be received and instructed in the school and be discharged or dismissed therefrom, establish all regulations necessary for its proper management and shall from time to time provide for cruises in or from the harbor of Boston.

— may receive vessels from the United States.

SECTION 4. They may receive from the United States government, and use for the accommodation of the school, such vessels as the secretary of the navy may detail.

1891, 402, § 4.

Res. 1891, 4.

Expense of maintaining the school.
1891, 402, § 5.
1893, 124.

SECTION 5. (*As amended by chapter 171, Acts of 1903.*) They may annually expend such sum as the general court may from year to year appropriate, which shall be paid by the commonwealth; and they shall annually submit an estimate of the expense required in making

cruises in or from the harbor of Boston, and the amount of said estimate, after approval by the governor and council and subject to the provisions of chapter six, shall be advanced to the commanding officer of the vessel detailed therefor, who shall give a bond in the sum of ten thousand dollars, with sureties approved by the governor and council, for its proper disbursement. Said advance shall not exceed ten thousand dollars for six months, and shall be accounted for by properly approved vouchers within thirty days after the termination of said cruises.

SECTION 6. They shall annually, in January, report to the general court a detailed statement of all moneys appropriated and expended during the preceding year for the nautical training school, stating the results of the work during such year and making any necessary recommendations.

Annual report.
1891, 402, § 6.

[Revised Laws, Chapter 46.]

TRUANTS AND TRUANT SCHOOLS.

COUNTY TRUANT SCHOOLS.¹

SECTION 1. (*As amended by chapter 256, Acts of 1902.*) The county commissioners of each county, except the counties of Barnstable, Berkshire, Franklin, Hampshire, Dukes County and Nantucket, shall maintain either separately or jointly with the commissioners of other counties as hereinafter provided, in a suitable place, not at or near a penal institution, a truant school for the instruction and training of children committed thereto as habitual truants, absentees or school offenders. The county commissioners of two or more counties may, at the expense of said counties, establish and maintain a union truant school which shall be organized and controlled by the chairmen of the county commissioners of said counties. The chairmen of the respective boards of county commissioners of the counties of Norfolk, Bristol and Plymouth, having the management of the Norfolk, Bristol and Plymouth union truant school, shall each be paid the sum of one hundred dollars annually by said counties, respectively. The county commissioners of the counties of Barnstable, Berkshire, Franklin, Hampshire,

Truant
schools.
1873, 262, § 5.
1881, 144.
P. S. 48, § 14.
1884, 155.
1886, 282.
1890, 309.
1894, 498, § 16.
1895, 216.
1896, 360.
1898, 496, § 22.
1901, 299.

¹ Name changed to County Training Schools, see page 53.

Dukes County and Nantucket shall assign a truant school established by law as the place for the instruction and training of children committed within their respective counties as habitual truants, absentees or school offenders, and shall pay for their support in said school such reasonable sum as the county commissioners having control of said school may determine. For the purposes of this chapter the parental school of the city of Boston shall be deemed the county truant school of the county of Suffolk, and commitments from the towns of Revere and Winthrop and the city of Chelsea shall be to the truant school for the county of Middlesex. The city or town from which an habitual truant, absentee or school offender is committed to a county truant school shall pay to the county within which it is located one dollar a week towards his support; but the towns of Revere and Winthrop and the city of Chelsea shall pay to the county of Middlesex, for the support of each child committed to the truant school of said county, two dollars and fifty cents a week, and such additional sums for each child as shall cover the actual cost of maintenance.

VISITATION BY STATE BOARD OF EDUCATION AND BY THE STATE BOARD OF CHARITY.

Truant
schools, visi-
tation of.
1898, 496, § 23.

SECTION 2. County truant schools shall be subject to visitation by the board of education and by the state board of charity, and said boards shall report thereon annually to the general court.

HABITUAL TRUANTS.

Habitual
truants.
1873, 262, § 3.
P. S. 48, § 12.
1889, 249, § 2.
1894, 498, § 21.
1898, 496, § 24.

SECTION 3. (*As amended by chapter 330, Acts of 1903, and by chapter 220, Acts of 1904.*) A child between seven and fourteen years of age who wilfully and habitually absents himself from school contrary to the provisions of section one of chapter forty-four shall be deemed to be an habitual truant, and, unless placed on probation as provided in section seven of this chapter, may, upon complaint by a truant officer and conviction thereof, if a boy, be committed to a county truant school, and, if a girl, to the state industrial school for girls; but if the girl is under twelve years of age she shall be committed to the custody of the state board of charity, if they so request, for not more than two years.

HABITUAL ABSENTEES.

SECTION 4. (*As amended by chapter 330, Acts of 1903, and by chapter 220, Acts of 1904.*) A child between seven and sixteen years of age who may be found wandering about in the streets or public places of any city or town, having no lawful occupation, habitually not attending school, and growing up in idleness and ignorance, shall be deemed to be an habitual absentee, and, unless placed on probation as provided in section seven, may, upon complaint by a truant officer or any other person and conviction thereof, if a boy, be committed to a county truant school, or to the Lyman school for boys, and, if a girl, to the state industrial school for girls; but if the girl be under twelve years of age she shall be committed to the custody of the state board of charity, if they so request, for not more than two years.

Habitual
absentees.
1898, 496, § 25.

HABITUAL SCHOOL OFFENDERS.

SECTION 5. (*As amended by chapter 330, Acts of 1903, and by chapter 220, Acts of 1904.*) A child under fourteen years of age who persistently violates the reasonable regulations of the school which he attends, or otherwise persistently misbehaves therein, so as to render himself a fit subject for exclusion therefrom, shall be deemed to be an habitual school offender, and, unless placed on probation as provided in section seven, may, upon complaint by a truant officer and conviction thereof, if a boy, be committed to a county truant school, or to the Lyman school for boys, and, if a girl, to the state industrial school for girls; but if the girl be under twelve years of age she shall be committed to the custody of the state board of charity, if they so request, for not more than two years.

Habitual
school
offenders.
1889, 249, 2.
1894, 498, 21.
1898, 496, 26.

SUPPORT OF INMATES OF TRUANT SCHOOLS.

SECTION 6. The court or magistrate by whom a child has been committed to a county truant school may make an order relative to the payment by his parents to the county of the cost of his support while in said school, and may from time to time revise and alter such order or make a new order as the circumstances of the parents may justify.

Support of in-
mates of truant
schools.
1898, 496, § 27.

TRUANTS ON PROBATION.

Placing
truants on
probation.
1898, 496, § 28.

SECTION 7. A court or magistrate by whom a child has been convicted of an offence under the provisions of this chapter may place such child on probation under the oversight of a truant officer of the city or town in which the child resides, or of a probation officer of said court, for such period and upon such conditions as said court or magistrate may deem best; and if, within such period, the child violates the conditions of his probation, such truant officer or probation officer may, without warrant or other process, take the child before the court, and the court may thereupon sentence him or may make any other lawful disposition of the case.

PERMITS TO BE AT LIBERTY; ALSO RELEASES.

Permits to be
at liberty.
1896, 514.
1898, 496, § 29;
580, § 1.

SECTION 8. (*As amended by chapter 220, Acts of 1904.*) County commissioners, if they think it will be for the best interest of any child who has been committed to a county truant school under their control, after notice and an opportunity to be heard has been given to the superintendent of schools or, if there is no superintendent, to the school committee of the city or town from which such child was committed to said school, may permit him to be at liberty upon such conditions as said commissioners may deem best; or, with the approval of the court which imposed the sentence, they may discharge him from said school; and upon such parole or discharge they shall make an entry upon their records of the name of such child, the date of parole or discharge and the reason therefor; and a copy of such record shall be transmitted to the court or magistrate by whom such child was committed and to the school committee of the city or town from which he was committed. If such child, in the opinion of said commissioners, violates the conditions of his parole at any time previous to the expiration of the term for which he was committed to said school, such parole may be revoked. If a superintendent of schools or a school committee furnishes evidence satisfactory to said commissioners of the violation by a child of the conditions of his parole, said commissioners shall revoke such parole, and may thereupon issue an order directed to the truant or police officers

of any city or town to arrest such child wherever found and return him to said school. Such officer shall arrest such child and return him to said school, where he shall be held, subject to the provisions of this chapter, for the residue of the term of the original sentence. The expense of such arrest and return, so far as approved by the commissioners, shall be paid by the county or counties maintaining said school. A child who has been committed to a county truant school, whether he be confined at the county truant school or on parole as provided in this section, shall be discharged from the custody and care of such school upon his becoming sixteen years of age. Releases from the parental school of the city of Boston shall be governed by the provisions of chapter five hundred and fourteen of the acts of the year eighteen hundred and ninety-six, and shall be made by the trustees for children who shall have and exercise the powers given by said chapter to the institutions commissioner of said city.

TEMPORARY RELEASE FROM TRUANT SCHOOL.

SECTION 9. (*As amended by chapter 308, Acts of 1903.*) If a near relation of a child who is confined on a sentence as an habitual truant, habitual absentee or habitual school offender dies or is seriously ill, any member of the board of trustees or county commissioners having charge of the institution may order such child to be released for a specified time, either with or without the custody of the superintendent or other officer, and may revoke, extend or otherwise modify such order. The expenses incurred in serving such order shall be approved and paid in the same manner as other expenses of the institution in which the child is confined.

Temporary release from truant school. 1899, 201.

DISPOSITION OF VICIOUS INMATES.

SECTION 10. (*As amended by chapter 330, Acts of 1903.*) An inmate of a county truant school or of the parental school of the city of Boston who persistently violates the reasonable regulations thereof, or is guilty of indecent or immoral conduct, or otherwise grossly misbehaves, so as to render himself an unfit subject for retention therein, may, upon complaint by the officer in control of said school and conviction thereof, if under

Disposition of vicious inmates. 1898, 496, § 30.

fifteen years of age, be committed to the Lyman school for boys; if over fifteen years of age, to the Massachusetts reformatory. If a girl who is committed to the custody of the state board of charity under section three, four or five of this chapter, proves unmanageable in a private family, she may be committed by the state board of charity to the state industrial school for girls.

SUMMONSES, WARRANTS, JURISDICTION.

Jurisdiction.
1873, 262, § 4.
P. S. 48, § 13.
1890, 309.
1894, 498, § 15.
1898, 496, § 32.

SECTION 11. Police, district and municipal courts and trial justices shall have jurisdiction of offences arising under the provision of section one of chapter forty-four and under the provisions of this chapter. A summons or warrant issued by such court or justice may be served, at the discretion of the court or magistrate, by a truant officer or by any officer qualified to serve criminal process. Upon complaint against a child for any such offence the parents, guardian or custodian of the child shall be notified as is required by section seventeen of chapter eighty-six.¹ A child against whom complaint as an habitual absentee is brought by any other person than a truant officer shall not be committed until notice and an opportunity to be heard have been given to the state board of charity.

TRUANT OFFICERS.

Truant
officers.
1873, 262, § 2.
1874, 233, § 2.
P. S. 48, § 11.
1894, 498, § 20.
1898, 496, § 33.

SECTION 12. The school committee of every city and town shall appoint and fix the compensation of one or more truant officers, and shall make regulations for their government. Truant officers shall not receive fees for their services. The school committee of two or more cities or towns may employ the same truant officers.

DUTIES OF TRUANT OFFICERS.

— duties of.
1873, 262, § 2.
P. S. 48, § 11.
1889, 422.
1894, 498, § 23.
1898, 496, § 34.

SECTION 13. Truant officers shall inquire into all cases arising under the provisions of sections one and six of chapter forty-four and sections three, four and five of this chapter, and may make complaints and serve legal processes issued under the provisions of this chapter. They shall have the oversight of children placed on probation under the provisions of section seven. A truant officer may

¹ Of the Revised Laws. See also chapter 314, section 4, Acts of 1906.

apprehend and take to school, without a warrant, any truant or absentee found wandering about in the streets or public places thereof.

COMMITMENT OF HABITUAL TRUANTS, HABITUAL ABSENTEES
AND HABITUAL SCHOOL OFFENDERS.

Chapter 389, Acts of 1906, provides as follows:—

SECTION 1. Habitual truants, habitual absentees and habitual school offenders shall be committed to truant schools, however named, for the instruction and training of children, and now provided for by the several counties, and not to any other institution or place.

SECTION 2. This act shall not apply to the Plummer Farm School of Reform for Boys, at Winter island in Salem.

SECTION 3. So much of any act as is inconsistent herewith is hereby repealed.

THE NAME OF THE ESSEX COUNTY TRUANT SCHOOL CHANGED
TO THE ESSEX COUNTY TRAINING SCHOOL.

Chapter 148, Acts of 1906, provides as follows:—

SECTION 1. The Essex County Truant School at Lawrence shall hereafter be called the Essex County Training School.

SECTION 2. This act shall take effect upon its passage.

NAME OF THE WORCESTER COUNTY TRUANT SCHOOL
CHANGED TO THE WORCESTER COUNTY TRAINING SCHOOL.

Chapter 194, Acts of 1907, provides as follows:—

SECTION 1. The Worcester County Truant School at West Boylston, shall hereafter be called the Worcester County Training School.

SECTION 2. This act shall take effect upon its passage.

CHANGE IN NAME OF CERTAIN TRUANT SCHOOLS.

Chapter 103, Acts of 1908, provides as follows:—

SECTION 1. The truant school at Springfield in the county of Hampden, the truant school at Chelmsford in the county of Middlesex, and the truant school at Walpole in

the county of Norfolk shall hereafter be called, respectively, the Hampden county training school, the Middlesex county training school, and the Norfolk, Bristol and Plymouth union training school; and any school hereafter established pursuant to section one of chapter forty-six of the Revised Laws relative to truants and truant schools shall be called a training school. All laws now or hereafter in force relative to truants and truant schools shall apply to training schools and to commitments thereto.

EMPLOYMENT OF WOMEN AND CHILDREN.

[Chapter 514, Acts of 1909.]

.

GENERAL PROVISIONS.

SECTION 17. The following words and phrases as used in all laws relative to the employment of labor shall, unless a different meaning is plainly required by the context, have the following meanings: —

.

(As amended by chapter 241, Acts of 1911.)

“Child” or “Minor” shall mean a person under eighteen years of age, except that in regard to the compulsory attendance of illiterate minors at evening schools, the word “Minor” shall mean a person under the age of twenty-one years.

.

“Factory” shall mean any premises where steam, water or other mechanical power is used in aid of any manufacturing process there carried on.

.

“Mercantile establishments” shall mean any premises used for the purposes of trade in the purchase or sale of any goods or merchandise, and any premises used for the purposes of a restaurant or for publicly providing and serving meals.

.

“Public building” shall mean any building or premises used as a public or private institution, church, theatre,

public hall, place of public entertainment, resort or assemblage.

“School house” shall mean any building or premises in which public or private instruction is afforded to not less than ten pupils at one time.

“Workshop” shall mean any premises, room or place, which is not a factory as above defined, wherein manual labor is exercised by way of trade or for purposes of gain in or incidental to a process of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article, and to which or over which premises, room or place the employer of the persons working therein has the right of access or control; but the exercise of such manual labor in a private house or private room by the family dwelling therein or by any of them or if a majority of the persons therein employed are members of such family, shall not of itself constitute such house or room a workshop within this definition.

WHEN CHILDREN UNDER FOURTEEN, AND CHILDREN OVER FOURTEEN AND UNDER SIXTEEN, MAY NOT BE EMPLOYED.

SECTION 56. No child under the age of fourteen years, and no child who is over fourteen and under sixteen years of age who does not have a certificate as required by the four following sections certifying to the child’s ability to read at sight and to write legibly simple sentences in the English language shall be employed in any factory, workshop or mercantile establishment. The ability to read at sight and to write legibly simple sentences in the English language shall be construed as meaning such ability to read and write as is required for admission to the fourth grade of the public schools of the city or town in which such minor lives. No child under the age of fourteen years shall be employed at work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the city or town in which he resides are in session, or be employed at work before six o’clock in the morning or after seven o’clock in the evening. But minors to whom the provisions of this section apply shall

Employment
of minors
under
sixteen.
R. L. 106, § 28.
1905, 267, § 1.
1906, 284.

be permitted to work on Saturdays between the hours of six in the morning and seven in the evening in mercantile establishments.

PROVISIONS RELATING TO EMPLOYMENT OF CHILDREN
UNDER SIXTEEN AND MINORS.

Age and
schooling cer-
tificates.
R. L. 106, § 29.

SECTION 57. No child under sixteen years of age shall be employed in a factory, workshop or mercantile establishment unless his employer procures and keeps on file, accessible to the truant officers of the city or town, and to the district police and inspectors of factories and public buildings, an age and schooling certificate and keeps two complete lists of all such minors employed therein, one on file, and one conspicuously posted near the principal entrance of the building in which such children are employed, and also keeps on file and sends to the superintendent of schools, or, if there is no superintendent, to the school committee, a complete list of the names of all minors employed therein who cannot read at sight and write legibly simple sentences in the English language.

AGE AND SCHOOLING CERTIFICATES OF MINORS.

Approval of
school certi-
ficates.
R. L. 106, § 30
1905, 267, § 2.

SECTION 58. (*As amended by section 3 of chapter 257, Acts of 1910, and chapter 269, Acts of 1911.*) An age and schooling certificate shall be approved only by the superintendent of schools or by a person authorized by him in writing, or, if there is no superintendent of schools, by a person authorized by the school committee; but no member of a school committee or other person authorized as aforesaid shall approve such certificate for any minor then in or about to enter his own employment or the employment of a firm or corporation of which he is a member, officer or employee. The printed form of such age and schooling certificate shall be provided by the chief of the district police. No such certificate shall be approved by any person unless he is satisfied that the minor therein named is able to read at sight and to write legibly simple sentences in the English language, as is required for admission to the fourth grade of the public schools of the city or town in which such minor lives, nor until such person has received a certificate signed by a physician, as provided in chapter five hundred and two of

the acts of the year nineteen hundred and six and acts passed in amendment thereof, or by a physician appointed by the school committee, stating that said minor has been examined by him and in his opinion is in sufficiently sound health and physically able to perform the work which the minor intends to do: *provided, however*, that the age and schooling certificate may be approved and issued without a physician's certificate if there shall be on file in connection with the public schools a written record in regard to the child's physical condition made within one year and the person authorized to approve said age and schooling certificate after having examined such record shall certify that in his opinion said minor is in sufficiently sound health and physically able to perform the work which the minor intends to do. The person who approves the certificate may administer the oath provided for therein, but no fee shall be charged therefor.

SECTION 59. An age or schooling certificate shall not be approved unless satisfactory evidence is furnished by a certificate of birth or baptism of such minor, or by the register of birth of such minor with a city or town clerk, that such minor is of the age stated in the certificate, except that other evidence, under oath, may be accepted in the case the superintendent or person authorized by the school committee, as provided in the preceding section, decides that neither the certificate of birth or baptism, nor the register of birth is available for the purpose. The certificate of the superintendent of the Lyman school for boys or of the state industrial school for girls given to a child who has been an inmate of such school, shall be sufficient evidence as to the age and ability to read at sight and to write legibly simple sentences in the English language.

Evidence of
age.
R. L. 106, § 31.
1904, 432.
1905, 213.
1907, 224.

EMPLOYMENT TICKET AND AGE AND SCHOOLING CERTIFICATE.

SECTION 60. (*As amended by section 4 of chapter 257, Acts of 1910.*) The age and schooling certificate of a minor under sixteen years of age shall not be approved and signed until he presents to the person who is authorized to approve and sign it an employment ticket duly filled out and signed. A duplicate of each age and schooling certificate shall be filled out and shall be kept on file

Employment
ticket neces-
sary to
approval of
schooling cer-
tificate.
R. L. 106, § 32.

by the school committee. Any explanatory matter may, in the discretion of the school committee or superintendent of schools, be printed with such certificate. The employment ticket and the age and schooling certificate shall be separately printed and shall be filled out, signed and held or surrendered as indicated in the following forms:—

EMPLOYMENT TICKET, St. 1909, c. , § .

Employment
and age and
schooling cer-
tificate, form,
etc.

When [name of minor] , height [feet and inches] ,
complexion [fair or dark] , hair [color] , presents
an age and schooling certificate duly signed, I intend to employ
[him or her].

(Signature of intending employer or agent.)

(Town or city and date.)

AGE AND SCHOOLING CERTIFICATE, St. 1909, c. , § .

This certifies that I am the [father, mother, guardian or cus-
todian] of [name of minor] , and that [he or she] was
born at [name of city or town] , in the county of [name of
county, if known] , and state [or country] of , on
the [day and year of birth] , and is now [number of years
and months] old.

(Signature of father, mother, guardian or custodian.)

(City or town and date.)

Then personally appeared before me the above named [name of
person signing] , and made oath that the foregoing certi-
ficate by [him or her] signed is true to the best of [his or her]
knowledge and belief. I hereby approve the foregoing certificate
of [name of minor] , height [feet and inches] , com-
plexion [fair or dark] , hair [color] , having no
sufficient reason to doubt that [he or she] is of the age therein
certified. I hereby certify and am satisfied that [he or she] can
read at sight and can write legibly simple sentences in the English
language. I further certify that in my opinion (or in the opinion
of the physician by whom said minor has been examined
in accordance with section fifty-eight of the above chapter) he
(or she) is in sufficiently sound health and physically able to
perform the work which he (or she) intends to do.

This certificate belongs to [name of minor in whose behalf it is
drawn] , and is to be surrendered to [him or her] when-
ever [he or she] leaves the service of the corporation or employer
holding the same; but if not claimed by said minor within thirty
days after such time, it shall be returned to the superintendent of
schools, or, if there is no superintendent of schools, to the school
committee.

(Signature of person authorized to approve and sign,
with official character or authority.)

(City or town and date.)

In the case of a minor who cannot read at sight and write legibly simple sentences in the English language, the certificate shall continue as follows, after the word "language" :—

I hereby certify that [he or she] is regularly attending the [name] public evening school. This certificate shall continue in force only so long as the regular attendance of said minor at the evening school is endorsed weekly by a teacher thereof.

PENALTY FOR CERTIFYING TO FALSE STATEMENT.

Whoever, being authorized to sign the foregoing certificate, knowingly certifies to any materially false statement therein shall be punished by a fine of not more than fifty dollars.

Penalty for false statement.

ILLEGAL EMPLOYMENT OF MINORS AND DUTIES OF TRUANT OFFICERS.

SECTION 61. (*As amended by chapter 249, Acts of 1910.*) Whoever employs a minor under the age of sixteen years, and whoever procures or, having under his control a minor under such age, permits, such minor to be employed in violation of the provisions of sections fifty-six and fifty-seven of this act, shall for each offence be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment; and whoever continues to employ a minor in violation of the provisions of either of said sections, after being notified thereof by a truant officer or by an inspector of factories and public buildings, shall for every day thereafter while such employment continues be punished by a fine of not less than twenty nor more than one hundred dollars, or by imprisonment for not more than six months; and whoever forges, or procures to be forged, or assists in forging a certificate of birth of such minor, and whoever presents or assists in presenting a forged certificate of birth, to a school committee or to the person authorized by law to receive certificates, for the purpose of fraudulently obtaining the school certificate mentioned in section sixty, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for not less than three months nor more than one year, or by both such fine and imprisonment.

— for violation of law as to employment of children.
R. L. 106, § 33.
1906, 499, § 1.

SECTION 62. Truant officers may visit the factories, workshops and mercantile establishments in their several

Truant officer, etc.
R. L. 106, § 34.
1906, 499, § 2.

cities and towns and ascertain whether any minors are employed therein contrary to the provisions of this act and shall report any cases of such illegal employment to the school committee and to the chief of the district police or to the inspector of factories and public buildings. Inspectors of factories and public buildings shall visit all factories, workshops and mercantile establishments within their respective districts, and ascertain whether any minors are employed therein contrary to the provisions of this act, and shall enter complaint against whoever is found to have violated any of said provisions. An inspector of factories and public buildings who knowingly and wilfully violates any provision of this section may be punished by a fine of not more than one hundred dollars.

Arrest by truant officers of minors unlawfully employed.
1906, 499, § 3.

SECTION 63. A truant officer may apprehend and take to school, without a warrant, any minor under the age of sixteen years who is employed in any factory, workshop or mercantile establishment in violation of the provisions of sections fifty-six or fifty-seven of this act, and such truant officer shall forthwith report to the police, district or municipal court or trial justice within whose judicial district the illegal employment occurs, the evidence in his possession relating to the illegal employment of any child so apprehended, and shall make complaint against whomever the court or trial justice may direct. A truant officer who knowingly and wilfully violates any provision of this section may be punished by a fine of not more than one hundred dollars for each offence.

TRUANT OFFICERS AND INSPECTORS OF FACTORIES.

Production of age and schooling certificates, etc.

Effect of refusal.
R. L. 106, §§ 33, 34.
1906, 499, § 4.

SECTION 64. Inspectors of factories and public buildings, and truant officers may require that the age and schooling certificates and lists of minors who are employed in factories, workshops or mercantile establishments shall be produced for their inspection. A failure to produce to an inspector of factories and public buildings or to a truant officer an age and schooling certificate or list required by law shall be prima facie evidence of the illegal employment of any person whose age and schooling certificate is not produced or whose name is not so listed. A corporation or other employer or any agent or officer thereof, who retains an age and schooling certificate in violation of the provisions of said certificate shall be punished by a fine of not less than ten nor more than one hundred dollars.

SECTION 65. Police, district and municipal courts and trial justices shall have jurisdiction of offences arising under the provisions of the four preceding sections. A summons or warrant issued by any such court or justice may be served, at the discretion of the court or magistrate, by an inspector of factories and public buildings, or by a truant officer, or by any officer qualified to serve criminal process.

Jurisdiction of
courts.
1906, 499, § 5.

ILLITERATE MINORS MUST ATTEND EVENING SCHOOLS.

SECTION 66. While a public evening school is maintained in the city or town in which any minor¹ resides who is over fourteen years of age and who does not have a certificate signed by the superintendent of schools, or by the school committee, or by some person acting under authority thereof, certifying to his ability to read at sight and write legibly simple sentences in the English language, no person shall employ him, and no parent, guardian or custodian shall permit him to be employed unless he is a regular attendant at such evening school or at a day school; but, upon presentation by him of a certificate signed by a registered practising physician and satisfactory to the superintendent of schools, or, if there is no such superintendent, to the school committee, showing that his physical condition would render such attendance in addition to daily labor prejudicial to his health, said superintendent or school committee shall issue a permit authorizing his employment for such period as said superintendent or school committee may determine. Said superintendent or school committee, or teachers acting under authority thereof, may excuse any absence from such evening school which arises from justifiable cause. Any minor not holding such certificate shall furnish to his employer a record of his school attendance each week while the evening school is in session, and when said record shows unexcused absences from the sessions, his attendance shall be deemed irregular according to this act. Whoever employs a minor in violation of the provisions of this section shall forfeit not more than one hundred dollars for each offence to the use of the evening schools of such city or town. A parent, guardian or custodian who permits a minor under his control to be employed in violation of the

Illiterate
minors not to
be employed
unless
attending
evening school.
R. L. 106, § 35.
1902, 183.

¹ For law relating to minors over fourteen and under sixteen years of age see section 1, as amended, chapter 44, R. L., page 41 of this pamphlet, and section 56, chapter 514, Acts of 1909, page 55, of this pamphlet.

provisions of this section shall forfeit not more than twenty dollars to the use of the evening schools of such city or town.

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PUBLIC EXHIBITION OF CHILDREN.

Exhibition of
children pro-
hibited.
R. L. 106, § 45.

SECTION 76. No person shall employ, exhibit or sell, apprentice or give away, a child under fifteen years of age for the purpose of employing or exhibiting him in dancing on the stage, playing on musical instruments, singing, walking on a wire or rope, or riding or performing as a gymnast, contortionist or acrobat in a circus, theatrical exhibition or in any public place, or cause, procure or encourage such child to engage therein; but the provisions of this section shall not prevent the education of children in vocal and instrumental music or dancing or their employment as musicians in a church, chapel, school or school exhibition, or prevent their taking part in any festival, concert or musical exhibition upon the special written permission of the mayor and aldermen of a city or of the selectmen of a town. Whoever violates the provisions of this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months.

Licenses to be
refused for
public shows,
when.
R. L. 106, § 46.

SECTION 77. A license shall not be granted for a theatrical exhibition or public show in which children under fifteen years of age are employed as acrobats or contortionists or in any feats of gymnastics or equestrianism, or in which such children who belong to the public schools are employed or allowed to take part as performers on the stage in any capacity, or if, in the opinion of the board authorized to grant licenses, such children are employed in such a manner as to corrupt their morals or impair their health; but the provisions of this section shall not prevent the granting of special permission authorized by the preceding section.

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SCHOOL HOUSES, SANITARY AND PROTECTIVE MEASURES.

Sanitary pro-
visions for
public build-
ings and school
houses.
R. L. 106, § 54.

SECTION 105. Every public building and every school house shall be kept clean and free from effluvia arising from any drain, privy or nuisance, shall be provided with a suffi-

cient number of proper water closets, earth closets, or privies, and shall be ventilated in such a manner that the air shall not become so impure as to be injurious to health. If it appears to an inspector of factories and public buildings that further or different sanitary, ventilating or heating provisions are required in any public building or school house, in order to conform to the requirements of this section, and that such requirements can be provided without unreasonable expense, he may issue a written order to the proper person or authority, directing such sanitary, ventilating or heating provisions to be provided. A school committee, public officer, or person who has charge of, owns, or leases any such public building or school house, who neglects for four weeks to comply with the order of such inspector shall be punished by a fine of not more than one hundred dollars. Whoever is aggrieved by the order of an inspector, issued as herein provided and relating to a public building or school house, may appeal to a judge of the superior court, as provided in chapter four hundred and eighty-seven of the acts of the year nineteen hundred and eight. The state inspectors of health or such other officers as the state board of health may from time to time appoint shall make such examinations of school buildings as in the opinion of said board the protection of the health of the pupils may require. The provisions of this section shall be enforced by the state inspectors of factories and public buildings.

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LICENSING OF MINORS, BY SCHOOL COMMITTEES, TO ENGAGE
IN CERTAIN OCCUPATIONS IN CITIES.

Section 17, chapter 65, Revised Laws, as amended by chapter 531, Acts of 1902, and chapter 151, Acts of 1906, and chapter 419, Acts of 1910, provides as follows:—

The mayor and aldermen or selectmen may make regulations relative to the exercise of the trade of bootblackening by minors and to the sale by minors of any goods, wares or merchandise the sale of which is permitted by section fifteen, and may prohibit such sales or such trade, or may require a minor to obtain from them a license therefor to be issued on terms and conditions prescribed in such regulations: *provided*, that in the case of persons

Regulation of
sales by
minors.
1846, 244, § 2.
G. S. 50, § 14.
P. S. 68, § 2.
1892, 331.

under the age of fourteen years in the cities of the commonwealth the foregoing powers shall be vested in and exercised by the school committees of said cities. A minor who sells such articles or exercises such trade without a license if one is required or who violates the conditions of his license or any of the provisions of said regulations shall be punished by a fine of not more than ten dollars for each offence. Any person who, having a minor under his control, knowingly permits him to violate the provisions of this act, and any person who procures or employs a minor to violate the provisions of this act, and any person who either for himself or as agent of any other person or of any corporation knowingly furnishes or sells to any minor any of the articles above referred to with knowledge that said minor intends to sell said articles in violation of the provisions of this act, and after having received written notice from the *school committee* that the minor is unlicensed, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months. Truant and police officers shall enforce the provisions of this chapter.

EMPLOYMENT OF CERTAIN MINORS IN FACTORIES, WORKSHOPS AND MERCANTILE ESTABLISHMENTS.

Chapter 310, Acts of 1911, provides as follows:—

SECTION 1. No illiterate minor between the age of sixteen and twenty-one years shall be employed in a factory, workshop, mechanical or mercantile establishment unless his employer procures and keeps on file, accessible to the truant officers of the city or town and to the district police and inspectors of factories and public buildings, a certificate showing that such minor is sixteen years of age or over. Said certificate shall give the place and date of birth of such minor and his personal description. The printed form of the certificate shall be provided by the chief of the district police and shall be approved by the attorney-general.

ADDITIONAL DUTIES OF TRUANT OFFICERS RELATIVE TO
CARE OF INDIGENT AND NEGLECTED CHILDREN.

Chapter 356, Acts of 1904, provides as follows:—

SECTION 1. It shall be the duty of *truant officers in cities* and of the overseers of the poor in towns, as often as may be deemed necessary by them, to make diligent search throughout their respective cities and towns for children under the age of sixteen who are suffering want through poverty, privation or from the neglect of their parents or guardians, or of any other persons having them in charge or from any cause whatsoever.

SECTION 2. Where such children are found without parents or guardians or in charge of such parents or guardians as in the judgment of the officers or overseers aforesaid are unfit to care for children by reason of mental incapacity, dissolute habits or poverty, it shall be the duty of the officers and overseers aforesaid to provide for the temporary care of such children until proceedings may be had against them if necessary, according to the provisions of chapter three hundred and thirty-four of the acts of the year nineteen hundred and three.

SECTION 3. Reasonable expenses incurred by the officers and overseers aforesaid in furnishing aid as provided by this act shall be paid by the city or town wherein the persons have legal settlements, and, if they are without settlement, by the commonwealth, after approval by the state board of charity; and notice in writing shall be sent to the place of settlement or, if such persons are unsettled, to the state board of charity as is otherwise provided by law.

SECTION 4. This act shall take effect upon its passage.

ADMISSION OF CHILDREN UNDER FOURTEEN YEARS OF AGE
TO PLACES OF AMUSEMENT.

Chapter 532, Acts of 1910, provides as follows:—

Section one hundred and eighty-four of chapter one hundred and two of the Revised Laws, as amended by chapter one hundred and seven of the acts of the year nineteen hundred and six, and by chapter three hundred and fifty-five of the acts of the year nineteen hundred and seven, is hereby further amended by striking out the last sentence, and inserting in the place thereof the following sen-

tence: — The provisions of this section shall not apply to shows or entertainments which take place before six o'clock in the afternoon and during the hours that the school of which the child attending such show or entertainment is a pupil is not in session. It shall be *prima facie* evidence that such school is in session if the public schools are in session in the city or town in which said show or entertainment shall take place, — so as to read as follows: — *Section 184.* Whoever, himself or by his servant or agent, admits a child under the age of fourteen years to any licensed show or place of amusement unless such child is accompanied by a person above the age of twenty-one years, shall, on complaint of a parent or guardian of the child or of any police officer or of a *truant officer* of the city or town in which the child is so admitted, be punished by a fine of not more than one hundred dollars; but he shall not be liable to said fine if a child apparently fourteen years of age has obtained admission by any written misrepresentation or by any unauthorized entrance to said place of amusement, or has entered with and apparently in the company of a person above the age of twenty-one years but does not remain with such person, provided the person in charge of said place of amusement shall remove such child immediately from said place of amusement upon knowledge of the fact that the child is under fourteen years of age and not then accompanied by a person above the age of twenty-one years. The provisions of this section shall not apply to shows or entertainments which take place before six o'clock in the afternoon and during the hours that the school of which the child attending such show or entertainment is a pupil is not in session. It shall be *prima facie* evidence that such school is in session if the public schools are in session in the city or town in which said show or entertainment shall take place.

STATE-AIDED VOCATIONAL EDUCATION.

Chapter 505, Acts of 1906, provides as follows:—

Sections 1-6 repealed by chapter 471, Acts of 1911.

MASSACHUSETTS AGRICULTURAL COLLEGE MAY ESTABLISH NORMAL DEPARTMENT.

SECTION 7. The trustees of the Massachusetts Agricultural College are hereby authorized to establish a normal department for the purpose of giving instruction in the elements of agriculture to persons desiring to teach such elements in the public schools, as provided in sections three and four: *provided*, that the cost of such department shall not exceed the sum of five thousand dollars in any one year, and that at least fifteen candidates present themselves for such instruction.

Massachusetts Agricultural College may establish departments for giving instruction in agriculture, etc.

Proviso.

REPEAL.

SECTION 8. Section ten of chapter forty-two of the Revised Laws, and all acts and parts of acts inconsistent with this act, are hereby repealed.

Repeal.

AN ACT TO CODIFY AND AMEND THE LAWS RELATING TO STATE-AIDED VOCATIONAL EDUCATION.

Chapter 471, Acts of 1911, provides as follows:—

CONSTRUCTION.

SECTION 1. The following words and phrases as used in this act shall, unless a different meaning is plainly required by the context, have the following meanings:—

1. "Vocational education" shall mean any education the controlling purpose of which is to fit for profitable employment.

2. "Industrial education" shall mean that form of vocational education which fits for the trades, crafts and manufacturing pursuits, including the occupations of girls and women, carried on in workshops.

3. "Agricultural education" shall mean that form of vocational education which fits for the occupations con-

nected with the tillage of the soil, the care of domestic animals, forestry and other wage-earning or productive work on the farm.

4. "Household arts education" shall mean that form of vocational education which fits for occupations connected with the household.

5. "Independent industrial, agricultural or household arts school" shall mean an organization of courses, pupils and teachers, under a distinctive management, approved by the board of education, designed to give either industrial, agricultural or household arts education as herein defined.

6. "Evening class" in an industrial, agricultural or household arts school shall mean a class giving such training as can be taken by persons already employed during the working day, and which, in order to be called vocational, must in its instruction deal with the subject-matter of the day employment, and be so carried on as to relate to the day employment.

7. "Part-time, or continuation, class" in an industrial, agricultural or household arts school shall mean a vocational class for persons giving a part of their working time to profitable employment, and receiving in the part-time school, instruction complementary to the practical work carried on in such employment. To give "a part of their working time" such persons must give a part of each day, week or longer period to such part-time class during the period in which it is in session.

8. "Independent agricultural school" shall mean either an organization of courses, pupils and teachers, under a distinctive management designed to give agricultural education, as hereinafter provided for, or a separate agricultural department, offering in a high school, as elective work, training in the principles and practice of agriculture to an extent and of a character approved by the board of education as vocational.

9. "Independent household arts school" shall mean a vocational school designed to develop on a vocational basis the capacity for household work such as cooking, household service and other occupations in the household.

STATE ADMINISTRATION AND SUPERVISION.

SECTION 2. The board of education is hereby authorized and directed to investigate and to aid in the introduction of industrial, agricultural and household arts education; to initiate and superintend the establishment and maintenance of schools for the aforesaid forms of education; and to supervise and approve such schools, as hereinafter provided. The board of education shall make a report annually to the general court, describing the condition and progress of industrial, agricultural and household arts education during the year, and making such recommendations as the board may deem advisable.

TYPES OF SCHOOLS.

SECTION 3. In order that instruction in the principles and the practice of the arts may go on together, independent industrial, agricultural and household arts schools may offer instruction in day, part-time and evening classes. Attendance upon such day or part-time classes shall be restricted to those over fourteen and under twenty-five years of age; and upon such evening classes, to those over seventeen years of age.

LOCAL ADMINISTRATION AND CONTROL.

SECTION 4. Any city or town may, through its school committee or through a board of trustees elected by the city or town to serve for a period of not more than five years and to be known as the local board of trustees for vocational education, establish and maintain independent industrial, agricultural and household arts schools.

SECTION 5. 1. Districts composed of cities or towns, or of cities and towns, may, through a board of trustees to be known as the district board of trustees for vocational education, establish and maintain independent industrial, agricultural or household arts schools. Such district board of trustees may consist of the chairman and two other members of the school committee of each of such cities and towns, to be appointed for the purpose by each of the respective school committees thereof; or any such

city or town may elect three residents thereof to serve as its representatives on such district board of trustees. 2. Such a district board of trustees for vocational education may adopt for a period of one year or more a plan of organization, administration and support for the said schools, and the plan, if approved by the board of education, shall constitute a binding contract between the cities or towns which are, through the action of their respective representatives on the district board of trustees, made parties thereto, and shall not be altered or annulled except by vote of two thirds of the board, and the consent of the board of education to such alteration or annulment.

SECTION 6. Local and district boards of trustees for vocational education, administering approved industrial, agricultural or household arts schools, shall, under a scheme to be approved by the board of education, appoint an advisory committee composed of members representing local trades, industries and occupations. It shall be the duty of the advisory committee to counsel with and advise the local or district board of trustees and other school officials having the management and supervision of such schools.

NON-RESIDENT PUPILS.

SECTION 7. 1. Any resident of any city or town in Massachusetts which does not maintain an approved independent industrial, agricultural or household arts school, offering the type of training which he desires, may make application for admission to such a school maintained by another city or town. The board of education, whose decision shall be final, may approve or disapprove such application. In making such a decision the board of education shall take into consideration the opportunities for free vocational training in the community in which the applicant resides; the financial status of the community; the age, sex, preparation, aptitude and previous record of the applicant; and all other relevant circumstances.

2. The city or town in which the person resides, who has been admitted as above provided, to an approved independent industrial, agricultural or household arts school maintained by another city or town, shall pay such tuition fee as may be fixed by the board of education; and the

commonwealth shall reimburse such city or town, as provided for in this act. If any city or town neglects or refuses to pay for such tuition, it shall be liable therefor in an action of contract to the city or town, or cities and towns, maintaining the school which the pupil, with the approval of the said board, attended.

REIMBURSEMENT.

SECTION 8. Independent industrial, agricultural and household arts schools shall, so long as they are approved by the board of education as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, conditions of admission, employment of pupils and expenditures of money, constitute approved local or district independent vocational schools. Cities and towns maintaining such approved local or district independent vocational schools shall receive reimbursement as provided in sections nine and ten of this act.

SECTION 9. 1. The commonwealth, in order to aid in the maintenance of approved local or district independent industrial and household arts schools and of independent agricultural schools consisting of other than agricultural departments in high schools, shall, as provided in this act, pay annually from the treasury to cities and towns maintaining such schools an amount equal to one half the sum to be known as the net maintenance sum. Such net maintenance sum shall consist of the total sum raised by local taxation and expended for the maintenance of such a school, less the amount, for the same period, of tuition claims, paid or unpaid, and receipts from the work of pupils or the sale of products.

2. Cities and towns maintaining approved local or district independent agricultural schools consisting only of agricultural departments in high schools shall be reimbursed by the commonwealth, as provided in this act, only to the extent of two thirds of the salary paid to the instructors in such agricultural departments: *provided*, that the total amount of money expended by the commonwealth in the reimbursement of such cities and towns for the salaries of such instructors for any given year shall not exceed ten thousand dollars.

3. Cities and towns that have paid claims for tuition in approved local or district independent vocational schools shall be reimbursed by the commonwealth, as provided in this act, to the extent of one half the sums expended by such cities and towns in payment of such claims.

SECTION 10. On or before the first Wednesday of January of each year the board of education shall present to the general court a statement of the amount expended previous to the preceding first day of December by cities and towns in the maintenance of approved local or district independent vocational schools, or in payment of claims for tuition in such schools, for which such cities and towns should receive reimbursement, as provided in this act. On the basis of such a statement the general court may make an appropriation for the reimbursement of such cities and towns up to such first day of December.

ACTS AND PARTS OF ACTS REPEALED.

SECTION 11. 1. Sections one to six, inclusive, of chapter five hundred and five of the acts of the year nineteen hundred and six, sections one to four, inclusive, of chapter five hundred and seventy-two of the acts of the year nineteen hundred and eight, chapter five hundred and forty of the acts of the year nineteen hundred and nine, and all acts and parts of acts inconsistent herewith are hereby repealed.

2. Schools heretofore established under the acts and parts of acts repealed by this section, and approved by the board of education, shall continue in operation subject to the provisions of this act for such schools.

Transportation by Street and Elevated Railway Companies of Pupils of Industrial Schools.

NOTE. — See chapter 530, Acts of 1908, as amended by chapter 567, Acts of 1910, page 27 of this pamphlet.

MEDICAL INSPECTION OF SCHOOLS.

Chapter 502, Acts of 1906, as amended, provides as follows:—

APPOINTMENT OF SCHOOL PHYSICIANS, ETC.; ALSO MEDICAL INSPECTION OF SCHOOLS, AND OF WORKING CHILDREN BETWEEN THE AGES OF FOURTEEN AND SIXTEEN.

SECTION 1. (*As amended by chapter 257, Acts of 1910.*) The school committee of every city and town in the commonwealth shall appoint one or more school physicians, shall assign one to each public school within its city or town, and shall provide them with all proper facilities for the performance of their duties as prescribed in this act; and shall assign one or more to perform the duty of examining children who apply for health certificates¹ in accordance with this act: *provided, however,* that in cities wherein the board of health is already maintaining or shall hereafter maintain substantially such medical inspection as this act requires, the board of health shall appoint and assign the school physician.

Appointment of school physicians, etc.

Proviso.

EXAMINATION AND DIAGNOSIS TO BE MADE.

SECTION 2. (*As amended by chapter 257, Acts of 1910.*) Every school physician shall make a prompt examination and diagnosis of all children referred to him as hereinafter provided, and such further examination of teachers, janitors and school buildings as in his opinion the protection of the health of the pupils may require. Every school physician who is assigned to perform the duty of examining children who apply for health certificates¹ shall make a prompt examination of every child who wishes to obtain an age and schooling certificate. as provided in section sixty of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, and who presents to said physician an employment ticket, as provided in said section, and the physician shall certify in writing whether or not in his opinion such child is in sufficiently sound health and physically able to perform the work which the child intends to do.

Examination and diagnosis of children to be made.

¹ See also sections 58 and 60, chapter 514, Acts of 1909, as amended by sections 3 and 4, chapter 257, Acts of 1910, pages 56, 57 of this pamphlet.

Authority of
school com-
mittees, etc.

SECTION 3. The school committee shall cause to be referred to a school physician for examination and diagnosis every child returning to school without a certificate from the board of health after absence on account of illness or from unknown cause; and every child in the schools under its jurisdiction who shows signs of being in ill health or of suffering from infectious or contagious disease, unless he is at once excluded from school by the teacher; except that in the case of schools in remote and isolated situations the school committee may make such other arrangements as may best carry out the purposes of this act.

NOTICE TO BE SENT TO PARENT OR GUARDIAN.

Notice of
disease of child
to be sent to
parent or
guardian.

SECTION 4. The school committee shall cause notice of the disease or defects, if any, from which any child is found to be suffering to be sent to his parent or guardian. Whenever a child shows symptoms of smallpox, scarlet fever, measles, chickenpox, tuberculosis, diphtheria or influenza, tonsilitis, whooping cough, mumps, scabies or trachoma, he shall be sent home immediately, or as soon as safe and proper conveyance can be found, and the board of health shall at once be notified.

TESTS OF SIGHT AND HEARING, AND EXAMINATION FOR DISABILITY OR DEFECTS.

Testing as to
defective sight,
etc.

SECTION 5. The school committee of every city and town shall cause every child in the public schools to be separately and carefully tested and examined at least once in every school year to ascertain whether he is suffering from defective sight or hearing or from any other disability or defect tending to prevent his receiving the full benefit of his school work, or requiring a modification of the school work in order to prevent injury to the child or to secure the best educational results. The tests of sight and hearing shall be made by teachers. The committee shall cause notice of any defect or disability requiring treatment to be sent to the parent or guardian of the child, and shall require a physical record of each child to be kept in such form as the state board of education shall prescribe.

State board of
health, etc., to
furnish test-

SECTION 6. The state board of health shall prescribe the directions for tests of sight and hearing and the state

board of education shall, after consultation with the state board of health, prescribe and furnish to school committees suitable rules of instruction, test-cards, blanks, record books and other useful appliances for carrying out the purposes of this act, and shall provide for pupils in the normal schools instruction and practice in the best methods of testing the sight and hearing of children. The state board of education may expend during the year nineteen hundred and six a sum not greater than fifteen hundred dollars, and annually thereafter a sum not greater than five¹ hundred dollars for the purpose of supplying the material required by this act.

Section 7 is repealed by chapter 412, Acts of 1908.

SECTION 8. This act shall take effect on the first day of September in the year nineteen hundred and six.

Expenditures by State Board of Education for Medical Inspection of Schools.

Chapter 189, Acts of 1908, provides as follows:—

For the purpose of furnishing schools and school committees with the material and appliances provided for by section six of chapter five hundred and two of the acts of the year nineteen hundred and six, relative to the health of children in the public schools, the state board of education may annually expend a sum not exceeding eight hundred dollars, instead of five hundred dollars as is specified in the said section.

AUTHORIZING TOWNS TO APPROPRIATE MONEY FOR THE EMPLOYMENT OF NURSES.

Chapter 72, Acts of 1911, provides as follows:—

SECTION 1. Towns are hereby authorized to appropriate annually a sum not exceeding two thousand dollars for the employment of district or other nurses. The said sums may be expended directly by the town through its selectmen, or under the direction of the board of health when authorized so to do by the selectmen.

SECTION 2. This act shall take effect upon its passage.

¹ See chapter 189, Acts of 1908, as given below.

ELECTION OF SCHOOL COMMITTEE.

[Chapter 560, Acts of 1907.]

School
committee.

SECTION 362. . . . The town shall likewise at its annual meeting or at a meeting held in the same month in which the annual meeting occurs, choose members of the school committee, which committee shall consist of any number of persons divisible by three which the town has decided to elect, one third thereof to be elected annually, for the term of three years. If a town fails or neglects to choose such committee, an election at a subsequent meeting shall be valid. Where official ballots are used the number to be so elected shall be determined at a meeting held at least thirty days before the annual town meeting. A town may, at an annual meeting, if official ballots are not used, otherwise at a meeting held at least thirty days before the annual meeting at which such change is to become operative, vote to increase or diminish the number of its school committee. Such increase shall be made by adding one or more to each class, to hold office according to the tenure of the class to which they are severally chosen. Such diminution shall be made by choosing, annually, such number as will in three years effect it, and a vote to diminish shall remain in force until the diminution under it is accomplished.

Women eligible
for certain
offices.

Women shall be eligible as overseers of the poor and school committee.

Town officers,
manner of
election.
R. L. 11, § 343.

SECTION 371. The election of town clerk, selectmen, assessors, overseers of the poor, town treasurer, auditor, collector of taxes, constables, road commissioners, sewer commissioners, board of health and school committee shall be by ballot; and the election of all other town officers shall be in such manner as the town may determine, unless otherwise provided by law. . . .

Ballots to be
sealed up,
indorsed, etc.
R. L. 11, § 345.

SECTION 373. If the town clerk, selectmen, assessors, treasurer, collector of taxes and school committee are voted for on one ballot, the moderator shall cause all such ballots when canvassed and counted, and record thereof has been made, publicly to be enclosed in envelopes, which shall be

sealed and indorsed, and certified in the manner required by section two hundred and seventy-two.

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SECTION 375. Town officers designated by name in section three hundred and sixty-two shall, before entering upon their official duties, be sworn to the faithful performance thereof. Such oath may be administered by the moderator in open town meeting, or by the town clerk. The town clerk shall forthwith, after the election or appointment of town officers required to take an oath of office, make a list of the names of all such officers not sworn by him or by the moderator, and deliver it with his warrant to a constable requiring him within three days to summon each such person to appear and take the oath of office within seven days after the service of such summons upon him; and the constable shall within said seven days make return thereof to the town clerk. Persons so summoned, unless exempt by law from holding the office, shall within said seven days, take the oath of office before the town clerk or before a justice of the peace, and file a certificate thereof with the town clerk.

Town officers, oath of office.
R. L. 11, § 347.

Town clerk to notify certain officers.

To appear and take oath within seven days, etc.

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SECTION 380. No ballot shall be received from any woman who votes for school committee in a town which does not use official ballots unless it has the words "For School Committee only". on the back thereof. Such ballots shall be counted only in the choice of members of the school committee, and for no other office or purpose.

Ballots for women voting for school committee.
R. L. 11, § 352.
Counting.

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PROCEEDINGS IN CASES OF FAILURE TO ELECT, AND VACANCIES IN TOWN OFFICES.

SECTION 383. If there is a failure at an election to choose a town officer, or if a person chosen shall not accept such office, or if a vacancy shall occur, the town may, at any legal meeting, except as provided in section three hundred and eighty-six, elect a person to such office.

Vacancies, etc., in town offices, how filled.
R. L. 11, § 355.

If, at an election of town officers for which official ballots are used, there is a failure to elect a town officer, he may be elected at an adjourned or succeeding meeting; and ballots shall be prepared and furnished for such meet-

When official ballots are used.

ing, containing the nominations already made and such as may subsequently be made for the office.

Certain officers, appointment, election, etc.
R. L. 11, § 361.

SECTION 389. If there is a failure to elect, or if a vacancy occurs in any town office, other than the offices of selectmen, town clerk, assessor, treasurer, collector of taxes or auditor, the selectmen shall in writing appoint a person to fill such vacancy. If there is a vacancy in a board consisting of two or more members, the remaining members shall give notice thereof in writing to the selectmen, who, with the remaining member or members of such board shall, after one week's notice, fill such vacancy by ballot. A majority of the ballots of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall perform the duties of the office until the next annual meeting or until another is chosen and qualified.

Vacancies, removal from town.
R. L. 11, § 362.
Proceedings at special elections.
R. L. 11, § 363.

SECTION 390. If a person removes from a town, he shall thereby vacate any town office held by him.

SECTION 391. The proceedings in an election held by reason of a previous failure to elect, or to fill a vacancy, and the qualifications of a person to be elected or appointed, shall be the same as in an original election.

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PENSIONS FOR TEACHERS.

Chapter 498, Acts of 1908, provides as follows: —

(See also chapter 619, Acts of 1910, and chapter 338, Acts of 1911, relative to retirement systems for the payment of annuities and pensions to employees of cities and towns; and chapter 47, Resolves of 1911, relative to a report of the Board to the Legislature of 1913.)

CITIES AND TOWNS AUTHORIZED TO ESTABLISH PENSION FUNDS FOR TEACHERS IN THE PUBLIC SCHOOLS.

Pension funds for teachers in public schools.

SECTION 1. In any city or town, except the city of Boston, which accepts the provisions of this act a pension fund shall be established for the retirement of teachers in the public schools. The fund shall be derived from such revenues as may be devoted to the purpose by the city council of a city or by direct appropriation by a town. The treasurer of the city or town shall be the custodian of the fund, and shall make annual or semi-annual payments therefrom to such persons and of such amounts as shall be certified to him by the school committee.

SECTION 2. The school committee of any city or town which shall accept the provisions of this act may retire from active service and place upon the pension roll, any teacher of such city or town who is sixty years old or over, or is, in the judgment of said committee, incapacitated for useful service, and who has faithfully served such city or town for twenty-five years. The amount of the annual pension allowed to any person under the provisions of this act shall not exceed one half of the annual compensation received by such person at the time of such retirement and in no case shall exceed five hundred dollars.

Retirement of
teachers, etc.

SECTION 3. Upon the petition of not less than five per cent of the legal voters of any city or town, this act shall be submitted, in case of a city, to the voters of such city at the next city election, and, in case of a town, to the voters of such town at the next annual town meeting, and the vote shall be in answer to the question, to be placed upon the ballot:— Shall an act passed by the general court in the year nineteen hundred and eight, entitled “An Act to authorize cities and towns to establish pension funds for teachers in the public schools”, be accepted? and if a majority of the voters voting thereon at such election or meeting shall vote in the affirmative this act shall take effect in such city or town.

Acceptance of
act.

SECTION 4. So much of this act as authorizes its submission to the voters of a city or town shall take effect upon its passage, but it shall not take further effect in any city or town until accepted by the voters thereof as herein provided.

When to take
effect.

[Chapter 211, Acts of 1911.]

AN ACT TO AUTHORIZE SAVINGS BANKS TO RECEIVE DEPOSITS FROM SCHOOL CHILDREN.

[Section 36 of chapter 590 of the Acts of 1908, as amended.]

SECTION 36. Such corporation [any savings bank] shall carry on its usual business at its banking house only, and a deposit shall not be received or payment on account of deposits be made by the corporation [any savings bank] or by a person on its account in any other place than at its banking house, which shall be in the city or town in

which the corporation [savings bank] is established; except that the corporation [savings bank] may, with the written permission of and under regulations approved by the [bank] commissioner, maintain and establish one or more branch offices or depots, for the receipt of deposits only, in the city or town in which its banking house is located, or in towns not more than fifteen miles distant therefrom in which there is no savings bank at the time when such permission is given: *provided, however*, that, in order to encourage saving among the children in the schools of this commonwealth, the corporation [savings bank] may, with the written consent of and under regulations approved by the [bank] commissioner and, in the case of public schools, by the [bank] commissioner and the school committee in the city or town in which the school is situated, arrange for the collection of savings from the school children by the principal or teachers of such schools or by collectors. All moneys so collected shall be entered on an individual deposit card furnished by the corporation [savings bank], but the total collections received by the corporation [savings bank] from any one principal or teacher may be entered in the name of such principal or teacher as trustee. When, however, the amount deposited by any one pupil and credited on the deposit card equals the minimum amount upon which interest is allowed the corporation [savings bank] shall issue a pass book to such pupil and thereafter, when the amount deposited by the pupil and credited on the deposit card equals the sum of one dollar, it shall be transferred to the deposit book by the corporation [savings bank]. The principal, teacher or person authorized by the corporation [savings bank] to make collections from the school children shall be deemed to be the agent of the corporation [savings bank] and the corporation [savings bank] shall be liable to the pupil for all deposits made with such principal, teacher or other person and entered upon the deposit card, the same as if the deposit were made by the pupil directly with the corporation [savings bank]. The annual meeting, and meetings of the trustees or board of investment of such corporation [savings bank], may be held at any place in the city or town in which its banking house is located.

ADDITIONAL LAWS OF INTEREST IN EDUCATIONAL MATTERS.

CHAPTER 208, SECTION 82, REVISED LAWS.

WILFUL INJURY TO SCHOOLHOUSES OR PROPERTY.

Whoever wilfully, intentionally and without right, or wantonly and without cause, destroys, defaces, mars or injures a school house, church or other building which has been erected or used for purposes of education or religious instruction, or for the general diffusion of knowledge, or an out-building, fence, well or appurtenance of such school house, church or other building, or furniture, apparatus or other property which belongs to or is connected with such school house, church or other building, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year.

CHAPTER 212, SECTION 20, REVISED LAWS.

PENALTY IF UNFIT PRINTED MATTER IS DISTRIBUTED IN SCHOOLS OR AMONG YOUTH.

Whoever imports, prints, publishes, sells or distributes a book, pamphlet, ballad, printed paper or other thing containing obscene, indecent or impure language, or manifestly tending to corrupt the morals of youth, or an obscene, indecent or impure print, picture, figure or description, manifestly tending to corrupt the morals of youth, or introduces into a family, school or place of education, or buys, procures, receives or has in his possession any such book, pamphlet, ballad, printed paper or other thing, either for the purpose of sale, exhibition, loan or circulation or with intent to introduce the same into a family, school or place of education shall be punished by imprisonment for not more than two years and by a fine of not less than one hundred nor more than one thousand dollars, one-half of which shall be paid to the complainant.

CHAPTER 212, SECTION 32, REVISED LAWS.

DISTURBANCE OF SCHOOL.

Whoever wilfully interrupts or disturbs a school or other assembly of people met for a lawful purpose shall be punished by imprisonment for not more than thirty days, or by a fine of not more than fifty dollars.

CHAPTER 8, SECTION 5 (NINTH PART), REVISED LAWS, AS AMENDED BY
CHAPTER 136, ACTS OF 1911.

LEGAL HOLIDAYS.

Ninth. The words "legal holiday" shall include the twenty-second day of February, the nineteenth day of April, the thirtieth day of May, the fourth day of July, the first Monday of September, the twelfth day of October, Thanksgiving day and Christmas day, or the day following when any of the four days first mentioned, the twelfth day of October or Christmas day occurs on Sunday; and the public offices shall be closed on all of said days.

CHAPTER 32, RESOLVES OF 1886.

ESTABLISHMENT OF ARBOR DAY.

Resolved, That his excellency the governor is requested to set apart in each year the last Saturday in April as Arbor Day, and to issue his proclamation recommending that it be observed by the people of the Commonwealth in the planting of trees, shrubs and vines, in the promotion of forest growth and culture, in the adornment of public and private grounds, places and ways, and in such other efforts and undertakings as shall be in harmony with the general character of a day so established.

CHAPTER 5, RESOLVES OF 1911.

OBSERVANCE OF FLAG DAY.

Resolved, That the governor shall annually set apart the fourteenth day of June as Flag Day, that date being the anniversary of the adoption of the national flag by the continental congress in the year seventeen hundred and seventy-seven; and shall issue his proclamation recommending that the day be observed by the people of the commonwealth in the display of the flag and in such other ways as will be in harmony with the general character of the day.

STATE SCHOLARSHIPS.

WORCESTER POLYTECHNIC INSTITUTE.

CHAPTER 157, ACTS OF 1899.

AN ACT RELATIVE TO CERTAIN PAYMENTS TO BE MADE TO
THE WORCESTER POLYTECHNIC INSTITUTE.

SECTION 1. There shall be paid annually from the treasury of the Commonwealth to the treasurer of the Worcester Polytechnic Institute, from the first day of September in the year eighteen hundred and ninety-nine, the sum of six thousand dollars.

SECTION 2. In consideration of such payment and of the grant made by chapter fifty-seven of the resolves of the year eighteen hundred and sixty-nine the Worcester Polytechnic Institute shall maintain forty free scholarships, of which each senatorial district in the Commonwealth shall be entitled to one, if a candidate is presented who is otherwise unable to bear the expense of tuition. In case no such candidate appears from a senatorial district then a candidate may be selected from the state at large to fill such vacancy, who may continue to hold the scholarship annually until a candidate is presented from the senatorial district unrepresented.

SECTION 3. The scholarships shall be awarded to such pupils of the public schools of Massachusetts as shall be found upon examination to possess the qualifications fixed for the admission of students to said institute, and who shall be selected by the board of education, preference in the award being given only to qualified candidates otherwise unable to bear the expense of tuition.

SECTION 4. Chapter seventy-two and so much of chapter fifty-seven of the resolves of the year eighteen hundred and sixty-nine as relates to state scholarships, and chapter four hundred and seven of the Acts of the year eighteen hundred and ninety-six are hereby repealed. [*Approved March 16, 1899.*]

CHAPTER 493, ACTS OF 1898.

AN ACT RELATIVE TO AWARDING STATE SCHOLARSHIPS IN
THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY AND
IN THE WORCESTER POLYTECHNIC INSTITUTE.

SECTION 1. The state board of education may in its discretion award that any free scholarship which [either the Massachusetts Institute of Technology or] the Worcester Polytechnic Institute is required to maintain under the provisions, respectively, of chapters [three hundred and ten] and four hundred and seven of the acts of the year eighteen hundred and ninety-six,¹ shall be divided between two pupils. The scholarships so divided shall be called half scholarships; and neither of said institutions shall require from any pupil to whom a half scholarship has been awarded payment of more than one half of the regular charge or fee for tuition paid by pupils not holding scholarships.

SECTION 2. This act shall take effect upon its passage.
[Approved June 2, 1898.]

(The parts in brackets in the above section are superseded by chapter 78, Resolves of 1911, given below.)

CHAPTER 78, RESOLVES OF 1911.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

Resolved, That there shall annually be paid from the treasury of the commonwealth to the Massachusetts Institute of Technology, for the term of ten years, beginning with the first day of January in the year nineteen hundred and twelve, the sum of one hundred thousand dollars, to be expended under the direction of the corporation of said institute for the general purposes of the institute: *provided, however*, that the payment for the year nineteen hundred and seventeen and for the four following years shall be conditioned upon the presentation of satisfactory evidence to the governor and council that the said Massachusetts Institute of Technology has received, by bequest or gift from other sources, the sum of one million dollars in addition to all the funds held by it on the day of the approval of this resolve. In consideration of the said payments and during the continuance thereof, the Massachu-

¹ Chapter 157, Acts of 1899, given above, takes the place of chapter 407, Acts of 1896.

setts Institute of Technology shall maintain eighty free scholarships to be granted by the board of education to residents, or minor children of residents of Massachusetts who, upon examination conducted under such rules and regulations as the president of the said institute may prescribe, shall be found to possess the qualifications fixed for the admission of students to the institute. Two such scholarships shall be available annually for properly qualified candidates from each senatorial district, but if there be less than two properly qualified candidates in any senatorial district, such number of scholarships, less in amount than two from each district, may then be distributed by the board of education among the other senatorial districts. Candidates for these scholarships shall make application to the board of education before the first day of July in each year, and shall forward to that board the approval in writing of the senator from the district in which the candidate resides. In awarding the scholarships preference shall be given to properly qualified candidates who are otherwise unable to bear the expense of tuition.

All acts and resolves and parts of acts and resolves heretofore passed authorizing the annual appropriation of funds by the commonwealth for the maintenance of free or state scholarships in the Massachusetts Institute of Technology, or prescribing the conditions under which such scholarships shall be awarded, are hereby repealed.

The Massachusetts Institute of Technology shall transmit each year copies of the annual report of its president to the general court.

The eighty half scholarships now in force, as shown by the records of the Massachusetts Institute of Technology, shall continue in full force and effect until the end of the course for which they were given, after which time all future scholarships shall be filled under the regulations and conditions herein prescribed. [*Approved May 20, 1911.*]

MASSACHUSETTS AGRICULTURAL COLLEGE.

For information relating to State scholarships in the Massachusetts Agricultural College, see chapter 627, Acts of 1910. These scholarships are not awarded by the Board of Education.

MONEY RAISED BY TAXATION NOT APPLICABLE TO PRIVATE
OR SECTARIAN SCHOOLS.

ARTICLE XVIII., AMENDMENTS TO THE CONSTITUTION.

All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the state for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such money shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

The following index will serve as a guide to certain laws to which occasional reference needs to be made in dealing with educational matters: —

Blind, adult, instruction of,	Chap. 297, Acts of 1902.
Commission for, may provide schools for,	Chap. 385, Acts of 1906.
Children, under seventeen years of age, admission of, to dance halls and roller skating rinks,	Chap. 384, Acts of 1906.
	{ Chap. 446, Acts of 1904.
	{ Chap. 128, Acts of 1905.
Crippled and deformed, school for,	{ Chap. 226, Acts of 1907.
	{ Chap. 497, Acts of 1909.
	{ Chap. 413, Acts of 1906.
	{ Chap. 195, Acts of 1907.
Juvenile offenders, care and reformation of, trustees of Massachusetts Training Schools,	Chap. 566, Acts of 1911.
Reform schools, solitary confinement forbidden,	Chap. 265, Acts of 1911.
	{ Chap. 83, sects. 20-39, R. L.
	{ Chap. 334, Acts of 1903.
Pauper, care of,	{ Chap. 356, Acts of 1904.
	{ Chap. 269, Acts of 1905.
	{ Chap. 181, Acts of 1909.
Suffering from epilepsy or other chronic diseases,	Chap. 504, Acts of 1909.
Degrees, authority to award,	Chap. 3, sects. 5-7, R. L.
Dog tax may be applied to schools,	Chap. 102, sect. 163, R. L.
Feeble-minded, Massachusetts School for,	Chap. 504, Acts of 1909.
	{ Chap. 508, Acts of 1906.
School for, act of 1906 to establish,	{ Chap. 421, Acts of 1907.
Fire escapes. See Schoolhouses, fire escapes.	
Industrial schools for boys, reform,	{ Chap. 639, Acts of 1908.
	{ Chap. 472, Acts of 1909.
Land, taking of, for school purposes,	Chap. 25, sects. 47-49, R. L.
Literature, encouragement of,	Constitution, chap. 5, sect. II.
Playgrounds,	{ Chap. 513, Acts of 1908.
	{ Chap. 508, Acts of 1910.
Property for educational purposes exempt from taxation,	Chap. 490, Acts of 1909, Part I., sect. 5, clause 3.
	{ Chap. 104, sects. 11, 15, 22, 25, R. L.
Schoolhouses, fire escapes,	{ Chap. 354, Acts of 1909.
	{ Chap. 104, sects. 15-21, R. L.
Inspection of,	{ Chap. 354, Acts of 1909.
	{ Chap. 104, sects. 22-26, R. L.
Specific requirements for,	{ Chap. 503, Acts of 1907.
	{ Chap. 105, R. L.
Steam boilers, inspection of,	{ Chap. 465, Acts of 1907.
Support of public schools, money appropriated at town meeting,	Chap. 25, sect. 15, R. L.
	{ Chap. 125, sects. 20-22, R. L.
Textile schools,	{ Chap. 248, Acts of 1904.
	{ Chap. 216, Acts of 1905.
	{ Chap. 275, Acts of 1906.



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